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Parkman Edition

THE MAKERS OF CANADA

VOL. XI

WILLIAM LYON MACKENZIE

Wm. L. Mackenzie.

THE MAKERS OF CANADA

WILLIAM LYON MACKENZIE

BY

CHARLES LINDSEY

EDITED WITH NUMEROUS ADDITIONS

BY

G. G. S. LINDSEY

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PUBLISHERS' NOTE

Mr. Charles Lindsey, the author of *The Life and Times of William Lyon Mackenzie*, which is republished in this volume in a considerably condensed form, with some additional matter supplied by the editor, died in Toronto, April 12th, 1908, at an advanced age. Sketches of his career as a veteran journalist and publicist, which appeared in the Toronto newspapers, contain references to this biography which bear out his own modest statement of the impartiality of the narrative. "The task of doing justice to the leader of a defeated movement, while the ashes of the conflagration were still hot, was not," said the *Globe*, "an easy one for a biographer who had no personal sympathy with the resort to physical force, but Mr. Lindsey accomplished it with such consummate skill that *The Life and Times of William Lyon Mackenzie* is still one of the most readable of Canadian biographies, and one of the most instructive of Canadian historical monographs." The *Mail and Empire* spoke of the book as "authoritative," and as "dealing with the origin of issues that continued to vex politics and journalism long after the Family Compact was disposed of." The *World* said, "The work is an exceedingly interesting and valuable contribution to the history of Canada, covering as it does a period

of critical transition in our national life. The author and the subject of his biography differed widely in their political views, but their personal and private relations were necessarily intimate. The biographer has truly said that Mackenzie 'never concealed his hand' from him. One of the highest compliments paid the work was by an eminent critic and historical authority, who praised its impartiality, and said that it was impossible from its perusal to detect the politics of its author." Sir Francis Hincks, in his *Reminiscences of his Public Life*, said he had "no reason to doubt the general accuracy of the account, given in Lindsey's *Life and Times of William Lyon Mackenzie*, of the circumstances preceding the actual outbreak, and he adopted the account as strictly reliable. The Mackenzie *Life* still holds its place as an authoritative narrative of the events which it describes; it has never been supplanted by any other narrative historical or otherwise." The *News* spoke of the book as having "reserve and balance and absolutely nothing of the angry controversial temper. It is history written, perhaps, too close to the events with which it deals, and therefore all the more remarkable for its revelation of the true historical spirit."

The additional matter, supplied in the present volume, consists of a review, historical and political, of what may be called the Mackenzie period, and of Mackenzie's place in Canadian history as

a constitutional Reformer and public man. Some prominence is given in this connection to the commentaries of Lord Durham in his splendid Report on the affairs of Canada, and to the testimony of public opinion since the publication of the Lindsey biography. These constitute, to say the least, an important contribution to the later literature on the subject. The work has been done by Mr. G. G. S. Lindsey, K.C., with care and judgment, and with the advantage of access to a large body of original material. Mr. Lindsey is a son of the author, and a grandson of William Lyon Mackenzie.

PREFACE TO THE FIRST EDITION

A very general impression prevails throughout Canada that the late William Lyon Mackenzie had, for some years, been engaged in writing his autobiography, and that, at the time of his death, the work was nearly completed. An examination of his papers showed that such was not the case. He had indeed projected such a work, and arranged much of the material necessary for its construction, but on examining his papers, I soon discovered that, except detached and scattered memoranda, he had written nothing. Of autobiography, not previously written when some momentary exigency seemed to demand it, or fancy spurred him to put down some striking passage in his life, there was none. Beyond this, everything had to be done by his biographer, if his life was to be written; and such was the public curiosity to learn the connected story of his eventful life, that I was pressed, on all hands, to undertake the work. At great inconvenience, and under a pressure of other exacting literary engagements, I consented.

Full of the fiery energy of the Celtic race, impetuous and daring, standing in the front rank of party combatants in times and in a country where hard knocks were given and taken, it was the fate of Mackenzie to have many relentless

enemies. If I had undertaken to refute all the calumnies of which he was the subject, and to correct all the false statements made to his injury, this biography would have taken a controversial form, which must have rendered it less acceptable to a large class of readers. The plan I have followed has been to tell the story of his life as I find it, without much reference to what friends or enemies, biased one way or the other, may have said under the excitement of events that have now passed into the great ocean of history. There were some few cases in which it was necessary to clear up disputed questions over which men still continue to differ.

The striking want of moral courage in many who were engaged with Mackenzie in the unfortunate and ill-advised insurrection in Upper Canada, in 1837, led them to attempt to throw the odium of an enterprise that had failed, in its direct object, entirely upon him. Men, of whose complicity in that affair the clearest evidence exists, cravenly deny all knowledge of it. Mackenzie never shrank from his share of the responsibility.

Much of the liberty Canada has enjoyed since 1840, and more of the wonderful progress she has made, are due to the changes which the insurrection was the chief agent in producing. Unless those changes had been made—unless a responsible government, especially, had been established—

Canada would, ere now, either have been lost to the British Crown, or, ruled by the sword, would have been stunted in her growth, her population poor, discontented, and ready to seek the protection of another power. The amelioration which the political institutions of Canada have undergone would probably have come in time, if there had been no insurrection, but it would not have come so soon; and there is no reason to suppose that the province would yet have reached its present stage of advancement.

Being several thousands of miles distant when the insurrection and the frontier troubles took place, and having never been in Canada till several years after, I lie under the disadvantage of not having any personal recollection of what occurred in those stirring times. But considering the stores of materials and the sources of information at my command, perhaps this is no great loss; certainly it will be more than compensated by the impartiality with which an unconcerned spectator can pass in review the events of that troubled period.

In the private documents in my possession, containing the secret history of the frontier movements, I found much that had never seen the light, including projects of invasion and insurrection of which the public has never had more than the vaguest notions. The use I have made of these documents will, I presume, not be regarded as unwarranted.

WILLIAM LYON MACKENZIE

I first saw Mackenzie in 1849, when he came from New York to Canada on a visit. Our differences of opinion on the politics of Canada during the last ten years have been notorious. Still I knew his real views perhaps better than any one else. In private he never concealed his hand from me, during the whole of that time. By the hour, when no third person was present, he would speak with great earnestness and animation of the claims of justice, the odiousness of oppression, and the foulness of corruption. The offer of office under the government was more than once obliquely—once, I think, directly—made to him after his return to Canada, and it always threw him into a fit of passion. He received it as an attempt to destroy his independence, or to shackle his freedom of action. A thousand times I have heard him protest that he would rather die of starvation than descend to any meanness, or be guilty of any act that would deprive him of that title to an unpurchasable patriot, which he deemed the best heritage he could bequeath to his children.

CHARLES LINDSEY.

Toronto, 1862.

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CHAPTER I

THE PERIOD AND THE MAN

THERE are many circumstances which give to the life, character and career of William Lyon Mackenzie a peculiar and almost pathetic interest, and which render them well worthy of a permanent record in the memoirs of the "Makers of Canada." They not only represent the strong mental and moral equipment of an individual—one of a race which has been identified with constitutional liberty and reform in all the oversea states of the Empire—but they also represent an important epoch in British colonial history. It was an epoch of political transition, and Mackenzie stands out in it conspicuously, a commanding and picturesque personality who did much to create, as well as to inspire and promote, the movement which made the transition one from an evil to a better state of things. He was a representative man of the period —a man of thought and resource who had a genius for successful political agitation[1]—a man of action who, as a distinguished publicist has said, "embodied the sentiment of his time" in working towards political ideals in the State. If it be true that "the types of men living at particular periods

[1] "The greatest agitator that ever Upper Canada has had within her limits."—D. B. Read, Q.C., *The Rebellion of 1837* (1896), p. 122.

afford the best studies of history," Mackenzie cannot be ignored by the historian.

The great interest which attaches to his life, especially in his years of strength and vigour, is derived from the fact that it extended over a period of political and critical unrest with the spirit and action of which he was completely identified. Mackenzie in those years had to be reckoned with, at every turn in the arena, by the men who governed; and he must be given a place by himself, but none the less a distinguished place, amidst the conflicting influences, and the strifes and antagonisms which, culminating in a civil war, wrought a revolution in the system of government in Canada, and thereafter in British colonial government everywhere. That was an issue which, it has been well said, "evolved out of the discord of conflicting ideals, the foundations of a permanent and worthy settlement of the relations of the Crown to the colonies," and "broadened, once for all, the lines of constructive statesmanship in all that relates to the colonial policy of England."[1] There probably never was a period in the history of this country when the two political parties were more sharply divided, and more clearly distinguished, upon a great public question. It was a comparatively small forum for such a debate; the cause was worthy of a greater tribunal than that to which the argument was

[1] Stuart J. Reid, *Life and Letters of Lord Durham* (1906), Vol. ii, p. 156.

addressed. But the final judgment in the matter was momentous and far-reaching in its consequences. The principles which were laid down by the Reformers in that controversy, under the leadership of Mackenzie and his coadjutors, were those which were embodied by Lord Durham in his famous Report, and were subsequently crystallized into legislation by the parliament of Great Britain. They are the principles upon which the Australian commonwealth and the states of South Africa, as well as Canada, are governed to-day, and by which, in fact, in all the outlying dominions of the Crown, imperial unity is reconciled, and may continue to be reconciled, with complete self-government.

Mackenzie has been described as "a reformer ahead of his time," as "the stormy petrel" of the ante-rebellion era in Upper Canada, and in other terms, less equivocal and less deserved, by the calumny which pursued him to his grave. Mr. Goldwin Smith's portraiture of him is that of "a wiry and peppery little Scotchman, hearty in his love of public right, still more in his hatred of public wrong-doers, clever, brave, and energetic, but, as tribunes of the people are apt to be, far from cool-headed, sure-footed in his conduct, temperate in his language, or steadfast in his personal connections."[1]

These references to Mackenzie's personal qualities

[1] *Canada and the Canadian Question* (1891), p. 111.

and character as a public man might easily be multiplied. He had at all times, even when political feeling ran high in the constituencies, friends and admirers amongst men of all parties. Speaking of his election for Haldimand, the first open constituency after his return from exile, when he defeated the late Hon. George Brown, the most formidable opponent he could have encountered, a prominent resident of that county stated, in a published interview, that "Mackenzie had support from Conservatives as well as Reformers; in fact, as I happen to know, he always had a great many warm Conservative friends, who admired his pluck as well as his independence and honesty."[1] And referring to his election as first mayor of Toronto, a Conservative historian has written that "the combined suffrages of his party supporters and of the moderate Tories placed him in the office of chief magistrate of the city. It has never been doubted that the choice then made was a good one. It is but fair to the memory of Mr. Mackenzie to say that, in all his political conduct and extravagances, he was not actuated by personal resentment. He was a determined advocate of reform, and in his political course made himself many enemies,

[1] The *Star* newspaper, Toronto, December 27th, 1900. The interview was with Dr. Harrison, of Selkirk, Ontario, an ex-president of the Provincial Medical Association, and described as "a veteran Liberal, one of the old guard, who has been president of the Reform Association of his county."

but they were not personal, but political enemies."[1]

"Mackenzie died, as he had lived, a poor man," said one of the most brilliant writers on the Canadian press. "Throughout his second political career, he was an ultra-Reformer, one might almost say an irreconcilable. Although he had seen enough of republicanism to dislike it, he remained a Radical to the last. Had he been so disposed, he might have taken office in the short-lived Brown-Dorion administration; but he loved the freedom of his independent position, and would have proved restive in official harness. Whatever his faults of judgment and temper may have been, he was, beyond question, an honest, warm-hearted and generous man. That he should be a free lance in politics was to be expected from his antecedents and his temperament; but there was always a *bonhomie* about him which made even those he opposed most strenuously his warmest personal friends. . . . . In looking back upon a career so unfruitful on the surface, and so unprofitable to himself, the natural verdict will be that it was a failure. Still, when it is considered that he was the pioneer of reform, the first who formulated distinctly the principle of responsible government, among the first to advocate a confederation of the provinces, and, above all others, the man who infused political vitality into the electorate, we cannot

[1] D. B. Read, Q.C., *Rebellion of 1837* (1896), p. 209.

say that he lived in vain. Like other harbingers of a freer time, he suffered that the community might enjoy the fruits of his labour, the recompense for his misfortunes. When responsible government was at length established, he was chafing as an exile in a foreign land. When he re-entered politics, the battle had been won, and others had reaped the reward. With all his faults, and he had many, no man has figured upon the political stage in Canada whose memory should be held in warmer esteem than William Lyon Mackenzie."[1]

There is a measure of truth in all these descriptions, and in others of a similar character which might be recited. Reformers who are earnest and sincere are seldom other than "ahead of their time," and one of the sacrifices which they have to make, if they are true to their ideals, is the sacrifice of "personal connections," and sometimes also of political friendships. History is full of examples of this species of independence and passion for an idea. Lord Durham, whose services to Canada can never be forgotten, and whose memory will ever be revered by the Canadian people, was, as a commoner, his biographer tells us, "far in advance of his times." The Whigs of that generation, his own

[1] W. J. Rattray, *The Scot in British North America* (1881), Vol. ii, pp. 482, 483. Mr. Rattray, who is mentioned elsewhere in these pages, was a distinguished graduate of the University of Toronto, and a classmate of the late Chief Justice Thomas Moss, who used to speak of him as the ablest man within the range of his acquaintance. He died September 26th, 1883.

political allies, did not share his desire for "sweeping reforms," and especially his early endeavours to destroy the "rotten boroughs" of England. "He was often regarded by them with petulant impatience, and even as a thorn in their side, but he never wavered in his allegiance to what he regarded as the first conditions of progress, and he stood, all through the reign of George IV, like an incarnate conscience in the path of the official leaders of his party. . . . They were convinced that parliamentary reform had not yet come within the range of practical politics."[1] But all this did not deter him from breaking away from his personal and political alliances, and proposing a bill for the reform of parliament eleven years before it was carried, and before "the new era of government by public opinion began"

To say that Mackenzie was "a reformer ahead of his time," is only to say, as the fact was, that he typified opinions in favour of a system of government, lines of policy, and methods of administration, which were in sharp and hostile contrast to those which were stubbornly, and at times oppressively, adhered to by his adversaries, and of which he was the uncompromising and implacable foe. Mackenzie's ideas of civil government and administration were entirely opposed to those of the military and semi-military rulers who represented the Crown

[1] Stuart J. Reid, *Life and Letters of Lord Durham* (1906), Vol. i, pp. 144-6.

in Upper Canada, and to those who, firmly entrenched in their offices and privileges and having the whole power and patronage of the executive at their command, were set about those men, during the most strenuous years of his career. But they were ideas which, although since carried out to the fullest extent, were all but dormant when he appeared on the scene. Mackenzie inspired them with life and vigour. His propaganda gave them a powerful hold on the public mind, and a momentum that was irresistible. It was his long, unselfish and self-sacrificing struggle, amidst enormous difficulties and against tremendous odds, which first aroused the people to a true sense of their citizenship, and to the real value of those free institutions which were their just heritage. And it was he who, though aided by other able men, unquestionably bore the brunt of the battle for constitutional reform.

In his course of action in regard to these things, Mackenzie did not always wait to see whether the principles which he espoused were practicable. He had the courage to advocate an opinion long before it was ripe for realization. What he believed to be good for the commonwealth he did not hesitate to say was good, and he supported it with all his might as a journalist, on the platform, and in parliament—brooking no opposition from friend or foe—whether public opinion was prepared for it or not. To this extent he was not what might be

called a "practical man"—a charge which he sometimes had to meet—in politics. To this extent, also, he was "ahead of his time" and inconstant in his "personal connections." He was not of those who would support or oppose any proposal or measure on the principle of mere political expediency. He had in fact a scorn of expediency and a hatred of half-measures in the presence of justice. Neither did he oppose a measure at a particular time because it was impracticable, and support it only when it could be carried; but whatever his attitude, he could give, and almost invariably did give, practical reasons for his support or opposition. In all questions, great or small, involving honesty, purity and uprightness in public life, economy in the public expenditure, prudence and thrift in the preservation of the public domain, and a full recognition of the constitutional rights of the people, his voice and pen and action were never uncertain. These things lay close to his heart, and their opposites had his relentless hostility.

Mackenzie is also one of the "old Liberals" against whom party in its madness was wont to hurl relentlessly the taunt of disloyalty. How far the taunt was really deserved, the readers of this volume must be left to judge. Many of them may remember that the chiefs of the insurrection, and the great body of their friends and supporters, were still living when the famous apothegm of Junius was adopted as its motto by the leading Reform

journal of Canada. Mackenzie believed in the truth which it enunciated and acted on it. It was one of the articles of his creed that "the subject who is truly loyal to the chief magistrate will neither advise nor submit to arbitrary measures." He carried the doctrine to extremes; but, as was said by the reviewer in dealing with the fact, one should not "fail to see the group of events as it stands in its historic surroundings, and to judge the acts and actors with a fair and comprehensive reference to the circumstances of the period."[1] "Loyalty" in those days, if we may judge by some occurrences, was an equivocal and easily convertible virtue. The despatch of a colonial minister to the lieutenant-governor of Upper Canada, making some concessions to the long-enduring people of the province, and dismissing two law-officers of the Family Compact for their tyrannical conduct—treatment which was mildness itself compared to the unremitting and, at times, brutal persecution to which Mackenzie was subjected—was sufficient to sap the "loyalty" of the Compact, and to call forth threats of alienation from "the glorious Empire of their sires," and of "casting about for a new state of political existence."[2]

Mackenzie never went further than this sort of "veiled treason" in his peaceable demands for

[1] The *Week*, newspaper, November 19th, 1885.

[2] "The legislative council treated the despatch with open contempt." Goldwin Smith, *Canada and the Canadian Question* (1891), p. 14.

colonial self-government. He never was an annexationist as that term is now popularly understood; he had no desire for union with the United States. Until hope of redress was crushed by absolute despair, no public man of his time gave stronger proofs of his attachment to the British Crown and British institutions, or laboured more earnestly to preserve imperial authority over the Canadian provinces. That, prior to the outbreak, he lost faith in the remedial justice of the government as then administered; and that he aimed to deprive the Crown and its colonial representatives and ministers of the authority which they debased and abused, and to hand it over, with proper restrictions, to the representatives of the people, goes without saying. That for this purpose he joined in a temporary appeal for aid to some of the American people, is equally true; but there is no evidence worthy of the name that annexation of the provinces to the neighbouring states was his immediate or ultimate goal. His last message to the emissaries of Sir Francis Bond Head, while standing in armed resistance to the oligarchy, was "independence and a convention to arrange details." "Mr. Mackenzie," said a Conservative writer, the author of several historical works dealing with that early period, "was not an admirer of the American constitution. On the contrary, he preferred the British constitution, and would have been satisfied with that constitution enforced in its entirety,

including responsibility to the elective House and so to the people, instead of its responsibility to the Crown, as it prevailed in Canada."[1] "He was a constitutional Reformer; yet his programme was certainly moderate enough. He was a staunch friend to British connection, opposed to the abortive Union Bill of 1818, and one of the first to propose a British North American confederation."[2]

The question of loyalty involved in the rebellion itself is no longer the debatable question it once was. There is a great deal, as we shall see, in connection with the circumstances leading up to that event, to palliate and excuse it, if not to justify it absolutely. And, judging by the later literature on the subject, controversial though some of it may be, this is the view which is now all but universally entertained. In any case the responsibility for the insurrection, deplorable as it was, should not be made to rest on Reformers, who, after long years of heroic but fruitless effort to effect a change in the system of government by constitutional means, were at last goaded by their rulers into asserting the justness of their cause by physical force. The history of political agitations which have culminated in great political reforms, or in revolutions which have compelled reforms, proves that, in nearly every

[1] D. B. Read, Q.C., *The Rebellion of 1837* (1896), p. 162.

[2] W. J. Rattray, *The Scot in British North America* (1881), Vol. ii, p. 455.

instance, the dominant power or party against whom the agitation has been directed has refused to believe in the popular demand until revolution either actually came, or was no longer capable of being resisted.

"History proves that the rights of constitutional liberty, which British subjects enjoy to-day, have only been obtained by agitation, and, in some cases, by the exercise of force. Magna Charta, the greatest bulwark of British liberty, was forced by the barons from an unwilling monarch. Other incidents in history show that grievances have only been remedied when the oppressed, despairing of obtaining success by lawful agitation in the face of opposition by entrenched officialism, have been compelled to fly to arms in defence of their rights. Few will deny to-day, in the light of history, that the cause of constitutional government in Canada was materially advanced by the action of William Lyon Mackenzie, and that results have justified the rising of 1837."[1] "It was one of a series of revulsions of popular feeling, recorded in British history, which has extended and broadened incalculably the liberties of the British race and nation."[2] "It may be that Mackenzie was impetuous and turbulent, but the rebellion of 1837 was at best a pitiful expression of the discontent which the greed and the oppression of the Family

[1] The *Globe*, Toronto, December 11th, 1900.

[2] The *Star*, Toronto, April 14th, 1904.

Compact had developed. Too much has been said of the rash counsels and unhappy adventures of Mackenzie, and too little of the crying grievances which an insolent and autocratic executive would not redress, and of the privileges they were resolved to maintain. It is in such fashion that the decisive blow has been dealt to tyranny and privilege all down the splendid centuries of British history; and if in the story of Liberalism in all countries there are wild and sanguinary chapters, it is because only in that way could popular government be established and perpetuated."[1]

"Did the pages of history," said Lord Durham in one of his great speeches on the Reform Bill, "not teem with instances of the folly and uselessness of resistance to popular rights? The Revolution of 1741, the French Revolution of 1789, the separation of the North American colonies, might all have been averted by timely and wise concession. Can any man with the slightest knowledge of history attempt to persuade me that if Charles I, after the Petition of Right, had kept his faith with his people, he would not have saved his crown and his life? Again, with reference to the French Revolution, I say that if Louis XVI had adopted the advice given by his ministers, the people would have been satisfied, the ancient institutions of the country ameliorated, the altar, the throne, and the

[1] J. S. Willison, *Sir Wilfrid Laurier and the Liberal Party* (1903), Vol. i, p. 2.

aristocracy preserved from the horrible fate which afterwards befell them. Twice had Louis XVI opportunities—first, under Turgot's ministry, secondly, under Necker's—of conciliating the country, and averting that fatal catastrophe by limited concessions. The nobility resisted and the Revolution followed. I need only add my conviction that, if after the repeal of the Stamp Act, England had not destroyed all the benefit of that concession by the Declaratory Act, and the re-imposition of the tea duties, North America would at this hour have been a portion of the British Empire. The course of events has always been the same. First, unreasoning opposition to popular demands; next, bloody and protracted struggles; finally, but invariably, unlimited and ignominious concessions." Durham might also have referred to the other French Revolution of 1830, when Charles X was deposed for his persistent endeavours to maintain an unpopular ministry in power, or he might have cited the revolt of Belgium against Holland, leading to its creation as an independent kingdom—events, we are told, "which were hailed with outbursts of enthusiasm in England, and perceptibly quickened the demand for reform."

In Great Britain itself, Catholic Emancipation and the Parliamentary Reform of 1832 were only conceded when the country was on the brink of revolution. "Agitation had evidently obtained for Ireland what loyalty and forbearance had never

procured; and though the fear to which our statesmen had yielded might be what Lord Palmerston asserted, 'the provident mother of safety,' a concession to it, however wise or timely, gave a very redoubtable force to the menacing spirit by which concession had been gained."[1] Sir Robert Peel "was proud of having made a great sacrifice for a great cause [namely, Catholic Emancipation]. There can be little doubt that he had prevented a civil war in which many of the most eminent statesmen of foreign countries would have considered that the Irish Catholics were in the right."[2] And, speaking of the Reform Bill, the same writer says that "some plan of Parliamentary Reform had of necessity to be proposed. The true Conservative policy would have been to propose a moderate plan before increased disquietude suggested a violent one." "He [Peel] was converted with respect to the Catholic question, and was converted to Liberal views, but when he professed this conversion, it was to save the country from civil war. He was converted with respect to the Corn Laws, and was converted to Liberal convictions; but when he professed this conversion, it was to save the country from famine."[3]

Referring to the Duke of Wellington, Durham's biographer says, that "perhaps his solitary claim to

[1] Lord Dalling and Bulwer, *Sir Robert Peel: An Historical Sketch* (1874), p. 73.

[2] *Ibid.*, p. 71.

[3] *Ibid.*, pp. 31, 142.

political regard is that he eventually extorted a reluctant consent from the king for Catholic Emancipation—a concession which lost all its grace because it was the outcome of panic, and could no longer be refused without peril. . . . . It became law only after a protracted and bitter struggle, which brought Ireland to the brink of rebellion."[1] And, referring to the rejection by the Lords of the second Reform Bill, he says, "Lord Grey at once moved the adjournment of the House, and the country stood on the brink of revolution. . . . . The king seemed to have forfeited his popularity as if by magic, and the people, in their bitter disillusionment, were prepared to go almost any lengths—even to that of armed resistance—rather than submit to the contemptuous refusal of their just demands. . . Riots occurred in many towns, and whispers of a plot for seizing the wives and children of the aristocracy led the authorities to order the swords of the Scots Greys to be rough sharpened. It will probably never be known how near the country came at that moment to the brink of a catastrophe which would have overturned both law and order. . . . . The Reform Act was a safety valve at a moment when political excitement had assumed a menacing aspect, and the nation seemed on the verge of anarchy."[2]

[1] Stuart J. Reid, *Life and Letters of Lord Durham* (1906), pp. 192, 193.

[2] *Ibid.*, pp. 285, 289, 290, 296.

"The chiefest authors of revolutions have been, not the chimerical and intemperate friends of progress, but the blind obstructors of progress; those who, in defiance of nature, struggle to avert the inevitable future, to recall the irrevocable past; who chafe to fury by damming of its course the river which would otherwise flow calmly between its banks, which has ever flowed, and which, do what they will, must flow forever."[1]

It is not necessary to institute any comparison with these great political and revolutionary movements, in other countries, in order to excuse or justify the revolutionary movement for constitutional reform which lay at the root of every other reform in government and administration in Canada. The evidence is overwhelming as to the grievances suffered by the people, their endeavours to remove them by legitimate means, and the absolute refusal of their reasonable demands by the advisers and representatives of the Crown. These latter, as was truly said, were living in "an atmosphere of constitutional fiction."[2]

[1] Goldwin Smith, *Three English Statesmen* (1868), pp. 3, 4.

[2] "All the special grievances and demands of the Reformers were summed up and merged in their demand for 'responsible government.' By responsible government they meant that the government should be carried on, not by an executive nominated by the governor and independent of the vote of parliament, but, as in England, by a cabinet dependent for its tenure of office on the vote of the Commons. They meant, in short, that supreme power should be transferred from the Crown to the representatives of the people. It was nothing less than a revolution for which they called under a mild and constitutional

Lord John Russell, a representative Whig, and the member of a Whig administration, speaking in his place in the House of Commons of the demands of Lower Canada, said: "The House of Assembly of Lower Canada have asked for an elective legislative council, and an executive council which shall be responsible to them and not to the government and Crown of Great Britain. We consider that these demands are inconsistent with the relations between a colony and the mother country, and that it would be better to say at once, 'Let the two countries separate,' than for us to pretend to govern the colony afterwards."[1] And, speaking in the same place, only nine months before the actual outbreak in 1837, he said that "cabinet government in the colonies was incompatible with the relations which ought to exist between the mother country and the colony. Those relations required that His Majesty should be represented in the colony not by ministers, but by a governor sent out by the king, and responsible to the parliament of Great Britain. Otherwise Great Britain would have in the Canadas all the inconveniences of colonies without any of their advantages."[2]

These opinions of the colonial minister were endorsed by the imperial parliament in resolutions

name." Goldwin Smith, *Canada and the Canadian Question* (1891), p. 112.

[1] Speech, May 16th, 1836.

[2] Speech, March, 1837.

of both Houses passed on April 28th and May 9th, in the same year (1837). The resolution refusing the concession of responsible government declared "that while it is expedient to improve the composition of the executive council in Lower Canada, it is unadvisable to subject it to the reponsibility demanded by the House of Assembly of that province." Amendments favouring the recognition of responsible government were moved in the House of Commons, but were rejected; and Lord Brougham entered his dissent, with reasons, on the journals of the House of Lords. In a despatch to Lord Sydenham, as late as October 14th, 1839, which deals with the great "difficulty" Sydenham may encounter "in subduing the excitement which prevails on the question of what is called responsible government," Lord John Russell lays special stress on the action of the imperial authorities more than two years before. "The Assembly of Lower Canada," he says, "having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the secretary of state, but expressly called for the opinion of parliament on the subject. The Crown and the Houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject. It does not appear, indeed, that any very definite

meaning is generally agreed upon by those who call themselves the advocates of this principle, but its very vagueness is a source of delusion, and, if at all encouraged, would prove the cause of embarrassment and danger."

The despatch shows clearly enough that the home government saw difficulties, under certain circumstances,— theoretical and imaginary they really were,—in the application of the principle of executive responsibility to a colony, but none, as the minister states further on in his despatch, "to the practical views of colonial government recommended by Lord Durham," as he understood them.[1] What is important, however, to notice is, that the attitude and policy of the home government, above indicated, with respect to Lower Canada, *prior to the outbreak*, were just the same with respect to Upper Canada. The true remedy that was sought for the grievances complained of was distinctly refused to both provinces. It made no difference who was at the head of the colonial office, Tory or Whig, the answer to the petitions for redress was, in effect, the same. Glenelg was of opinion that, "in the administration of Canadian affairs, a sufficient practical responsibility already existed without the introduction of any hazardous schemes"— which "schemes," be it added, were what really

[1] "At first ministers at home were apprehensive lest the application of that principle to a dependency should lead to a virtual renunciation of control by the mother country." Erskine May, *Constitutional History*, 3d. Ed., Vol. iii, p. 367.

brought "peace with honour," by the men who advocated them, to this country. In Upper Canada the answer was sufficiently galling. Sir Francis Bond Head's reply to the protests of his executive council on one occasion was, that he was the sole responsible minister, and that he was only bound to consult his council when he felt the need of their advice. "The lieutenant-governor maintains," said he "that responsibility to the people, who are already represented in the House of Assembly, is unconstitutional; that it is the duty of the council to serve him, not them." The message exemplified the man, and was a mild epitome of the arbitrary theory and practice of executive responsibility which prevailed during his own and the previous régimes, but which was effectually shattered by the insurrection.

All these things were known to the Reformers in both Upper and Lower Canada. It is scarcely to be wondered at that, under these circumstances, coupled with the actual situation at their own doors in every town and hamlet in the province, the prospects of redress seemed infinitely distant, and that hope died within the people's hearts. In Upper Canada, only three months following the decisive action of the imperial parliament, Sir Francis Bond Head must have read a manifesto, published in the public prints, from the Reformers of Toronto to their fellow-Reformers throughout the province, which was plainly a declaration for

independence; and this meant a political revolution. He could not but know that this final and portentous remonstrance was being approved by considerable sections of the people in all parts of the country; that the arrogant and autocratic exercise of the authority of the Crown, and the abuses of the vicious system of administration, had alienated popular sympathy and support from the government; that the seeds of disaffection were sown broadcast; and that, as in Ireland and England, during the last days of the fierce agitation for Catholic Emancipation and Parliamentary Reform, the country was on the brink of civil war. And yet, servant and representative of the Crown as he was, he, at that very time, according to his own admission, subsequently published, was encouraging armed resistance to the government in order to exhibit his power in suppressing the revolt![1]

How far the insurrection of 1837 can be excused or justified, is a question upon which every thoughtful person must form his own conclusions from a perusal and consideration of the history of the time. The question is a practical and not an academic one, for no one admits that rebellion against a regularly organized government is never justifiable. The data for an impartial judgment are

[1] "It certainly appeared too much as if the rebellion had been purposely invited by the government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error." Lord Durham's *Report*, p. 72.

largely supplied by the narrative of events and the commentaries thereon, which are contained in the pages of this volume. For a considerable period following the outbreak, public opinion in Canada and in England, for reasons which need not be discussed here, was condemnatory of the appeal to physical force, but it was far from unanimous; it was impossible that it should be unanimous. The movement failed in the field through no lack, as the historian has told us, of capacity and courage on Mackenzie's part; still it failed, and there was a natural reaction of sympathy and opinion, stimulated by the aftermath of the frontier disturbances, against the movement and those who were concerned in it personally and politically, as well as against the party with which they were identified. Greater patience, renewed petitions and protests, firmer faith in the disposition and willingness of the imperial authorities to accede to the constitutional changes so earnestly and unavailingly demanded, would, in due time, it has been said, have ensured a responsible executive and the full and complete benefits of parliamentary government as it was in Great Britain. The political tendency of the times was favourable to Liberal doctrines and constitutional reform, and the home government had already been moving, and would continue to move, in that direction. Such is the argument, in brief, usually made against the movement.

The reply is interrogatory—How long must

a free people, entitled to freedom and all the other benefits of British institutions, and fit for self-government, endure the tyranny, oppression, and general viciousness of such a system as prevailed prior to 1837? What is the time limit in such a case, for history has set such a limit in some other cases? Determined as was the attitude of the people of Upper Canada, startling and significant as was the warning conveyed by the insurrection, and intensely dissatisfied and alienated, according to Lord Durham and Lord Sydenham, as large numbers of the most law-abiding persons in the province were, even after the rebellion was crushed, —the old system was long in dying. Under circumstances and influences that one would have supposed had greatly hastened its demise, it died hard; for not until the régime of Lord Elgin, more than ten years after the first angry shot was fired in the Canadian provinces, were the long-looked-for measures of remedial justice and reform fairly and fully in force.[1] If, said the Reformer, under such adventitious aids backed by a rebellion *de facto* (strong or weak, it matters not), the people had so long to wait, how long must the waiting have been

[1] "In 1847 responsible government was fully established under Lord Elgin. From that time, the governor-general selected his advisers from that party which was able to command a majority in the legislative assembly, and accepted the policy recommended by them. The same principle was adopted, about the same time, in Nova Scotia; and has since become the rule of administration in other free colonies." Erskine May, *Constitutional History,* 3d. Ed., Vol. iii, pp. 367, 368.

—how long the practice of the virtues of patience and forbearance, had Upper Canada never beheld a "rebel" in arms?

Questions like these have occasionally provoked an answer. Mr. W. J. Rattray, a thoughtful publicist and writer on historical and political subjects, has given it as his opinion that, were it not for the rebellion, many years must have elapsed before the British government would have consented to carry out the reforms advocated in Mackenzie's "Seventh Report on Grievances," and subsequently recommended by Lord Durham. "Had these concessions," he says, "been only made three years before, there would have been no rebellion; and it may safely be affirmed likewise that, but for the rebellion, responsible government would not even now have been granted."[1] Other answers have been given at different times, either in the columns of the newspaper press, or in public speeches and addresses. But, in whatever form they have appeared, they show that public opinion with respect to the rebellion, aided as it has been by historical research and a calmer and more deliberate consideration of the causes and outcome of the whole movement, has been greatly modified in the intervening years.

In a speech delivered by the Hon. Edward Blake, M.P., to his Irish constituents in the summer of 1898, with respect to the Irish rebellion of 1798, Mr. Blake said: "Rebellion is morally justified

[1] *The Scot in British North America* (1881), Vol. ii, p. 485.

upon two conditions: first, that there are grievances that are serious, overwhelming and long endured, and that peaceable redress has turned out to be impossible; and, secondly, that there is some reasonable chance of success at any rate in the rising." These conditions were not wanting in 1837. An eminent historian has declared that "Toronto all but fell into the hands of the rebels. Mackenzie, who showed no lack either of courage or capacity as a leader, brought before it a force sufficient for its capture, aided as he would have been by his partisans in the city itself, and he was foiled only by a series of accidents, and by the rejection of his bold counsels at the last."[1] "The rebellion in both provinces, though vanquished in the field of war, was victorious in the political field, and ended in the complete surrender of imperial power."[2] The same authority has also expressed the opinion, which is all but universally accepted, that in both Canadas it was, in fact, not a rebellion against the British government, but a petty civil war, in Upper Canada between parties, in Lower Canada between races, though in Lower Canada the British race had the forces of the home government on its side. "We rebelled neither against Her Majesty's person nor government, but against colonial misgovernment," were the words of one of the rebel leaders in Lower Canada. "The two movements were

[1] Goldwin Smith, *Canada and the Canadian Question* (1891), p. 119.

[2] *Ibid.*, p. 97.

perfectly distinct in their origin and their course, though there was a sympathy between them, and both were stimulated by the general ascendency of Liberal opinions since 1830 in France, in England, and in the world at large. The rebellion was the end of Sir Francis Bond Head. Then came Lord Durham, the son-in-law of Grey, . . . to inquire into the sources of the disturbance, pronounce judgment, and restore order to the twofold chaos."[1]

The origin and history of the insurrection in Canada have also, within very recent years, occupied public attention in Great Britain and South Africa, in connection with the rebellion and the terribly destructive war which followed in that part of the king's dominions. Comparisons were not unnaturally made between the condition of affairs at the seats of rebellion in each country prior to the outbreak, and the justification in each case for the revolt. It is worthy of notice that the historic parallel, on the score at least of provocation and justification, is favourable to Canada and to those who took part in the insurrection in these provinces; and such evidently was the opinion of the British government, and of public opinion in Great Britain, so far at any rate as it was represented in parliament. The revolt in Canada was officially stated to be "founded on grievances under constitutional conditions which were recognized as unsatisfactory

[1] *Ibid.*, p. 120.

by the government of the day and altered by subsequent legislation. In the Cape there has been adhesion to the Queen's enemies, during war, of those who have not even the pretext of any grievance, and who have for a generation enjoyed full constitutional liberty."[1] It was "unnecessary," wrote the ministers at Cape Town to Sir Alfred Milner, "for the purpose of tracing the mode of dealing with those guilty of the crime of rebellion or high treason in Canada, to give any history of the causes which led up to the rebellion in Upper and Lower Canada. In both cases the disturbance had its origin in a conspiracy for the redress of grievances which were more or less well grounded, and recognized as being so by the reforms which followed the outbreak."[2] And speaking on the same point, in his place in the House of Commons, in a debate on the address (January 20th, 1902), when the policy and conduct of the government were under criticism, the colonial secretary, Mr. Chamberlain, said: "Just let me for a moment, in two or three words, remind the House what took place in Canada. The Canadians had great grievances, which the Cape rebels had not. The Cape rebels had every liberty, every right, every privilege which the Canadians desired, or which they have since acquired. There was

[1] Extract from telegram from Mr. Chamberlain, colonial secretary, to Sir Alfred Milner, May 5th, 1900.

[2] Extract from Memo. by ministers at Cape Town to Governor Sir Alfred Milner, April 27th, 1900.

justification—or an excuse—for the conduct of the Canadian rebels. There was no justification of any kind for the conduct of the Cape rebels. In the case of Canada there was justification which was admitted by subsequent legislation. The wrongs of the Canadians were subsequently redressed, but they were redressed on the initiation of this country, and not as terms or conditions of surrender."[1]

Sir Wilfrid Laurier, since he became first minister of Canada, has referred to the rebellion on two notable occasions. Speaking in the House of Commons, on his motion of condolence with respect to the death of the late Queen, he said: "Let us remember that, in the first year of the Queen's reign, there was a rebellion in this very country; there was a rebellion in the then foremost colony of Great Britain, rebellion in Lower Canada, rebellion in Upper Canada; rebellion—let me say it at once, because it is only the truth to say it—rebellion, not against the authority of the young Queen, but rebellion against the pernicious system of government which then prevailed."

The second occasion was the banquet of the Canadian Club in London, England, on July 16th, 1902, when, in responding to the toast of "The Dominion of Canada," he said: "The loyalty of Canada has been enhanced by the free institutions given to her. If it had not been for the charter

[1] *The Parliamentary Debates*, 4th Series, Vol. 101, p. 376. The *Times* report is the same.

of liberty which she had received, perhaps the condition of things would have been different. In 1837 Canada was in a state of turmoil and excitement. There was rebellion not only in the province of Quebec, but in the British province of Ontario. The rebellion, in his mind, was quite justified by the unworthy system which then obtained, and by attempting to rule what ought to have been a free people by methods which were unsuited to them. But in 1899, when they had been given a free régime and had a parliament to which the government of the country was responsible, when they had the blessings of responsible government in the same measure that they had in England, when the dominion of her late Majesty was threatened in a distant part of her domain, the very sons of the rebels of 1837 were the first to come to the rescue and to maintain the dominion of Her Majesty in South Africa. That was the result of the wise policy that had been followed with regard to Canada and the other colonies of Great Britain."

These various expressions of opinion touching the question of 1837, whence imputations of disloyalty against Mackenzie and the Reformers of his time have been drawn, and which are supplemented elsewhere in these pages, are not unworthy of consideration. The lapse of years, and a clearer and truer perception and understanding of the events in which he figured, of the system of government and abuses which he assailed, of the forces, political and

personal, which beset him, and of the man himself, have manifestly wrought a more rational judgment with respect to those old and exasperating matters of controversy. Their true significance is understood as it never was before by statesmen and publicists, and by those who inspire and mould the thought of the nation. "The tumult and the shouting" of crimination and recrimination, which they once provoked, have passed with the passing of the men of the old dispensation; and loyalty to the Crown not being, as in fact it never has been, the exclusive possession of any particular party in the State, these old charges of disloyalty, whencesoever they come, must be regarded as a spent force in the politics and government of Canada.

CHAPTER II

EARLY YEARS

THE part played by William Lyon Mackenzie in the making of Canada embraces the political history of Upper Canada, and more particularly of the Reform party in Upper Canada, from the year 1824, when he came upon the scene as the editor and publisher of a newspaper in the interests of good government and constitutional reform, down to the outbreak in December, 1837. Mackenzie's work and influence may also not unfairly be held to extend to the results of the revolutionary movement with which he was identified—to Lord Durham's mission, his Report, which formed the basis of the Union Act of 1840, the beneficent change of imperial policy towards Canada, and the reforms which followed in its train. The good as well as the ill should be weighed in the balance of popular judgment. The period itself was one of unrest and growing discontent, of agitation and turbulence, of stress and storm, but it was also a period of rapid development of public opinion in favour of a radical change in the constitution of the Canadas. Mackenzie was conspicuous all those years as a journalist and parliamentarian, employing every legitimate means and power at his command for the progress and improvement of political condi-

tions, and the betterment of the people. The culmination of the struggle was a civil war, undertaken and ended unsuccessfully for the concession to Canada of those principles of self-government within the Empire which were denied the advocates and friends of reform, and the denial of which, under circumstances of intolerable provocation, set the country aflame with insurrection.

In writing this biography it will be my duty, as far as convenient, to allow the subject of it to tell his own tale; and where opinions must be expressed, it will be my aim to make them judicial and just, though I may not conceive that he was always right, either in act or opinion.

Mackenzie's parents were married at Dundee, Scotland, on May 8th, 1794. Of this marriage, William Lyon Mackenzie, the subject of this biography, was the sole issue. He was born at Springfield, Dundee, on March 12th, 1795; and his father died when the child was only twenty-seven days old. His mother, by the death of her husband, who left behind him no property of any account, became to a great extent dependent upon her relatives, of whom she had several in the Highlands; and she sometimes lived with one and sometimes with another. Some of them were poor, others well to do; but the mother always managed, by some ingenuity of industry, to keep a humble home over the heads of herself and her boy. Her constitutional temperament always kept her busy,

let her be where she might, her highly nervous organization rendering inaction difficult to her, except towards the close of her life. In this respect, there was a remarkable resemblance between herself and her son; and from her, it may safely be affirmed, he derived the leading mental characteristics that distinguished him through life.

Her dark eyes were sharp and piercing, though generally quiet; but when she was in anger, which did not often occur, they flashed out such gleams of fire as might well appal an antagonist. The small mouth and the thin, compressed lips, in harmony with the whole features, told of that unconquerable will which she transmitted to her son. The forehead was broad and high, and the face seldom relaxed into perfect placidity; there were always on the surface indications of the working of the indomitable feelings within.

Her strong religious bias made Mrs. Mackenzie an incessant reader of the Scriptures, and such religious books as were current among the Seceders. With this kind of literature she early imbued the mind of her son; and the impressions thus formed were never wholly effaced. The strongest reciprocal affection existed between her and her son, at whose house she spent the last seventeen years of her life, having followed him to Canada in 1822. She had attained the mature age of ninety years when she died, a fact which goes to show that it was through her that Mackenzie inherited a physical frame cap-

able of extraordinary endurance, as well as his natural mental endowments.

Daniel Mackenzie, father of the subject of this biography, is described as a man of dark complexion; and his grandfather, Colin Mackenzie, used to bear the cognomen of "Colin Dhu," or black Colin. Daniel learned weaving in all its branches; but, entering into an unprofitable commercial speculation, he was reduced to keeping a few looms for the manufacture of "green cloth."

In June, 1824, just when he had entered on his editorial career, Mackenzie was called upon to meet the charge of disloyalty; and his defence, which traces his ancestry, is in his happiest mood.

"My ancestors," he said, "stuck fast to the legitimate race of kings, and, though professing a different religion, joined Charles Stuart, whom (barring his faith) almost all Scotland considered as its rightful sovereign. Colin Mackenzie, my paternal grandsire, was a farmer under the Earl of Airly in Glenshee, in the highlands of Perthshire; he, at the command of his chieftain, willingly joined the Stuart standard, in the famous 1745, as a volunteer. My mother's father, also named Colin Mackenzie, and from the same glen, had the honour to bear a commission from the prince, and served as an officer in the Highland army. Both my ancestors fought for the royal descendant of their native kings; and after the fatal battle of Culloden, my grandfather accompanied his unfortunate prince to the Low Countries,

and was abroad with him on the continent, following his adverse fortunes for years. He returned at length, married, in his native glen, my grandmother, Elizabeth, a daughter of Mr. Spalding of Ashintully Castle, and my aged mother was the youngest but two of ten children, the fruit of that marriage. The marriage of my parents was not productive of lasting happiness; my father, Daniel Mackenzie, returned to Scotland from Carlisle, where he had been to learn the craft of Rob Roy's cousin, Deacon Jarvie of the Saltmarket, Glasgow, in other words, the weaving business, took sickness, became blind, and, in the second year of his marriage with my mother, died, being in his twenty-eighth or twenty-ninth year. I was only three weeks old at his death; my mother took upon herself those vows which our Church prescribes as needful at baptism, and was left to struggle with misfortune, a poor widow, in want and in distress. . . .

"Well may I love the poor, greatly may I esteem the humble and the lowly, for poverty and adversity were my nurses, and in youth were want and misery my familiar friends; even now it yields a sweet satisfaction to my soul that I can claim kindred with the obscure cotter and the humble labourer of my native, ever honoured, ever loved Scotland.

"My mother feared God, and He did not forget nor forsake her; never in my early years can I recollect that divine worship was neglected in our

little family, when health permitted; never did she in family prayer forget to implore that He, who doeth all things well, would establish in righteousness the throne of our monarch, setting wise and able counsellors around it. A few of my relations were well to do, but many of them were poor farmers and mechanics, (it is true my mother could claim kindred with some of the first families in Scotland; but who that is great and wealthy can sit down to count kindred with the poor?) yet amongst these poor husbandmen, as well as among their ministers, were religion and loyalty held in as due regard as they had been by their ancestors in the olden time. Was it from the precept, was it from the example, of such a mother and such relations, that I was to imbibe that disloyalty, democracy, falsehood, and deception, with which my writings are by the government editor[1] charged? Surely not. If I had followed the example shown me by my surviving parent, I had done well; but as I grew up I became careless, and neglected public and private devotion. Plainly can I trace, from this period, the commencement of those errors of the head and of the heart which have since embittered my cup, and strewed my path with thorns, where at my age I might naturally have expected to pluck roses." . . .

[1] Charles Fothergill, editor of the *Upper Canada Gazette*, then published in Toronto, and King's Printer. The *Gazette*, like the *Moniteur* of Paris, had an official and a non-official side.

His first school teacher was Mr. Kinnear, of Dundee, who was master of a parish school. One of his schoolmates, from whom I have sought information, describes him as "a bright boy with yellow hair, wearing a short blue coat with yellow buttons." Though very small when he first entered school, he was generally at the head of his class. His progress in arithmetic, particularly, was very rapid. He was often asked to assist other boys in the solution of problems which baffled their skill; and, while he rendered this service, he would pin papers or draw grotesque faces with chalk on their coat-backs.

At the age of ten years, some difficulty occurring between him and his mother, he resolved to leave home and set up on his own account. For this purpose he induced some other boys of about his own age to accompany him to the Grampian Hills, among which he had often been taken, and where, in a small castle which was visible from Dundee, and of which they intended to take possession, they made the romantic resolve of leading the life of hermits. They never reached the length of the castle, however, and after strolling about a few days, during part of which they were terribly frightened at the supposed proximity of fairies, they were glad to trudge their way back to the town, half famished. This incident is characteristic, and might have been regarded as prophetic; for the juvenile brain that planned such enterprises would

not be likely to be restrained, in after life, where daring was required. It is probable that the difficulty between young Lyon and his mother, which led to this escapade, arose out of the long reading tasks which it was her custom to impose upon him. He was in this way thoroughly drilled in the Westminster Catechism and Confession of Faith; he learned the Psalms and large portions of the Bible by rote, and was early initiated into Baxter's *Call to the Unconverted*, and several similar works. When one of these tasks had been given him, his mother used to confine him closely till it had been mastered. This early exercise of the memory, it may be reasonably assumed, tended to give to that faculty the strength which in after life was a source of astonishment to many.

Those who did not know Mackenzie's personal habits often attributed to his unaided memory much that was the result of reference to those stores of information which he never ceased to collect, and which were so arranged as to admit of easy access at any moment. He has left in his own hand-writing a list of "some of the books read between the years 1806 and 1819," in which are fifty-four works under the head of "divinity," one hundred and sixty-eight on history and biography, fifty-two of travels and voyages, thirty-eight on geography and topography, eighty-five on poetical and dramatic literature, forty-one on education, fifty-one on arts, science, and agriculture, one

hundred and sixteen miscellaneous, and three hundred and fifty-two novels; making, in all, nine hundred and fifty-eight volumes in thirteen years. One year he read over two hundred volumes. With his tenacious memory, Mackenzie must have been enabled to draw, from time to time, upon these stores, during the rest of his life. The works are confined almost exclusively to the English language; and the truth is, that he had only an imperfect knowledge of any other. Of a tendency to scepticism, of which he was accused in the latter part of his life—with what justice will hereafter be seen—there is, in the works which must have tended to give a cast to his mind, an almost entire absence.

In early youth, politics already possessed a charm for him, the Dundee, Perth and Cupar *Advertiser*, the first newspaper he ever read, serving to gratify this inclination. But he was soon admitted to a wider range of political literature; for he was introduced to the Dundee news-room at so early a period of life that he was for years after its youngest member.

For a short time after leaving school, and when he must have been a mere boy, he was put into Henry Tullock's draper shop, Dundee; but disliking the work he did not long remain there, probably only a few months. He afterwards became an indentured clerk in the counting-house of Gray, a druggist in a large way of business in Dundee. It was probably while in the counting-house of Gray,

that Mackenzie acquired that knowledge of the mysteries of accounts which afterwards made his services of considerable value as chairman of the Committee of Public Accounts in the assembly of Canada, and which enabled him to render important service in the Welland Canal investigation, and on other occasions when financial mysteries had to be solved.

At an early age, apparently when he was about nineteen, he went into business for himself at Alyth, some twenty miles from Dundee, setting up a general store in connection with a circulating library. He remained there for three years, when the result of inexperience assumed the shape of a business failure. His creditors were all honourably paid after he had acquired the necessary means in Canada, at the distance of some years. It was about the middle of May, 1817, when he left Alyth; and he soon afterwards went to England, where at one time we find him filling the situation of clerk to the Kennett and Avon Canal Company, at another time in London; and he used to relate that he was for a short time in the employ of Earl Lonsdale as a clerk.

The idea of going to Canada is said to have been first suggested to him by Edward Lesslie, of Dundee. Before starting he visited France. The date of this visit cannot be fixed with certainty; but it was probably in November or December, 1819. He confesses to having, a little before this time,

plunged into the vortex of dissipation and contracted a fondness for play. But all at once he abandoned the dangerous path on which he had entered, and after the age of twenty-one never played a game at cards. A more temperate man than he was, for the rest of his life, it would have been impossible to find.

In April, 1820, Mackenzie was among the passengers of the *Psyche* bound for Canada, a young man just turned twenty-five years of age, who, without having enjoyed any other advantages of education than the parochial and secondary schools of Dundee offered, had a mind well stored with varied information which he had devoured with keen literary appetite and appreciation. It was fated that this young man should change the destiny of the country to which the good ship *Psyche* was bearing him. He was of slight build and scarcely of medium height, being only five feet six inches in stature. His massive head, high and broad in the frontal region and well rounded, looked too large for the slight wiry frame it surmounted. He was already bald from the effects of a fever. His keen, restless, piercing blue eyes, which threatened to read your most inward thoughts, and the ceaseless and expressive activity of his fingers, which unconsciously opened and closed, betrayed a temperament that could not brook inaction. The chin was long and rather broad; and the firm-set mouth indicated a will which, however it might be baffled and thwart-

ed, could not be subdued. The lips, firmly pressed together, constantly undulated in a mass, moving all that part of the face which lies below the nostrils; with this motion the twinkling of the eyes seemed to keep time, and gave an appearance of unrest to the whole countenance.

After his arrival in Canada, Mackenzie was for a short time employed in connection with the survey of the Lachine Canal; but it could only have been a few weeks, for in the course of the summer he entered into business in York, as the present city of Toronto was then called. There John Lesslie and he were in the book and drug business, the profits of the books going to Lesslie, and those of the drugs to Mackenzie. The question arose of finding another place at which to establish a second business, and Dundas was selected. Here he conducted the business of the partnership for fifteen or sixteen months, during which time, I have heard him say, a clear cash profit of £100 a month was made, until the partnership was dissolved, by mutual consent, in the early part of 1823. A division of the partnership effects was then made; and, in papers which have been preserved, Mackenzie appears as a purchaser from the firm of Mackenzie & Lesslie to the amount of £686 19s 3½d. The goods included in this purchase were as miscellaneous as can well be imagined, and with this stock a separate business was commenced; but it was not long continued, for in the autumn of the same year Mackenzie removed

to Queenston, and there opened a general store. He remained only a year; and before the expiration of that time he had abandoned commerce for politics; the stock of goods was disposed of to a storekeeper in the country; and, as a journalist, he made the first step in the eventful career which opens with this period of his life.

While living in Dundas, Mackenzie was married on July 1st, 1822, at Montreal. Miss Isabel Baxter,[1] his bride, may be said to have been a native of the same town as himself; for she was born at Dundee, and he at Springfield, a suburb of the same place; they both were at the same school together.

Up to this time, Mackenzie had not held any other office in Canada than that of school trustee; and he confessed that even that mark of public confidence inspired him with pride. He and David Thorburn were elected to that office at the same time, at Queenston.

[1] Miss Isabel Baxter was the second daughter of Peter Baxter of Dundee, Forfarshire, Scotland, who settled near Kingston in the county of Frontenac, where he became the owner of a valuable farm property, which, after his death, passed into the hands of George Baxter, one of his sons. George Baxter was master of the Royal Grammar School at Kingston, and had, as two of his pupils, Sir Richard Cartwright and the late Sir John A. Macdonald. His sister, Isabel, who married Mackenzie, came to Canada with Mackenzie's mother, and the marriage took place three weeks after her arrival. The youthful bride, who had scarce attained her majority, has been described as "a bright, handsome, Scotch lassie, who preserved her refined features, and her gentle, winsome manner till past the age of seventy." Mrs. Mackenzie died at Toronto on January 12th, 1873, in her seventy-first year. See sketch of her life, with portrait, at page 221 of Morgan's interesting work on *Types of Canadian Women* (1903).

CHAPTER III

UPPER CANADA UNDER THE CONSTITUTIONAL ACT

IN the year 1824, when Mackenzie, as a journalist, commenced his public career, the province of Upper Canada was being governed under the Constitutional Act of 1791.[1] The Quebec Act of 1774,[2] which it supplanted, was found inadequate for the purposes it was intended to serve. This was owing to difficulties inherent in the situation, but which tended, nevertheless, to the extension of popular government. The Act made no provision for an elective legislative body; the only body for legislative purposes was a council appointed by the Crown, composed principally of English residents, notwithstanding the great numerical superiority of the French population. The repeal of the Act was due to the uncertainty and confusion arising out of the French legal system, which had been made applicable to the English as well as the French sections of the country, the agitation in the legislative council against that system and in favour of the introduction of English law, the backward state of legislation in the province, and the agitation and demand for an elective assembly which followed the

[1] 31 Geo. III, c. 31.

[2] 14 Geo. III, c. 83.

immigration into Canada of the United Empire Loyalists. These immigrants, who had left the thirteen colonies when the latter declared themselves independent of the mother country, had been accustomed to representative institutions in the colonies which they abandoned, and brought with them a natural desire for similar institutions in this country. In about a year after they colonized the continental part of Nova Scotia, which was in 1784, the home government created the present province of New Brunswick, and gave it a legislative assembly. This stimulated a demand for the same kind of a body in what was afterwards known as Upper Canada, and also amongst the English residents of Lower Canada. These latter hoped thereby to secure an elective assembly for the whole province of Quebec, in which, with the help of the representatives chosen by the new English incomers, they would be able to counterbalance the French vote in Lower Canada. Even the French themselves joined in the demand for such an assembly, influenced partly, no doubt, by the progressive ideas of the time, but also by the hope of finding in a French assembly a security for their language, laws and institutions, more especially their ecclesiastical system, which they could not find in a legislative council controlled by men of a different race and creed.

The Constitutional Act had several distinct objects in view. One was to confer legislative authority

in Lower Canada on a French assembly, and so overcome the difficulties in regard to the old ecclesiastical system, and especially the old civil law, to which the legislative council had been inimical. A second object was to give the like legislative power to an English assembly in Upper Canada. The third object was to enable the two races to work out their own political future apart from each other, under a constitution resembling that of Great Britain, as far as the circumstances of the country would admit.[1]

The debate on the bill in the House of Commons was conducted in the main by three of the most famous men in parliamentary history, Pitt, the younger, Burke and Fox. Pitt said that the question was, whether parliament should agree to establish two legislatures. The principle was to give a legislature to Quebec in accord, as nearly as possible, with the British constitution. The division of the province was liable to some objections, but to fewer than any other measure. He regarded the division as essential, as he could not otherwise reconcile the clashing interests known to exist. "I hope," he said, "this separation will put an end to the competition between the old French inhabitants and the new settlers from Britain and the British colonies." Burke approved of the division. "For us to attempt," he said, "to amalgamate two

[1] See despatch of Lord Grenville to Lord Dorchester, October 20th, 1789, in Christie's *History*, Vol. vi, Appendix, pp. 16-26.

populations composed of races of men diverse in language, laws and habitudes, is a complete absurdity. Let the proposed constitution be founded on man's nature, the only solid basis for an enduring government." He thought the English ought to enjoy the English constitution, the French, the old Canadian constitution. Fox was on the whole rather against the division of the province. But, in discussing the policy of the Act, he laid down a principle which was destined, after half a century, under the Union Act of 1840,[1] to become the rule of colonial administration. "I am convinced," said he, "that the only means of retaining distant colonies with advantage, is to enable them to govern themselves." On the question of the legislative council he favoured an elective body, whose members should possess qualifications higher than those of the House of Assembly, and to be chosen by electors of higher standing than those having votes for the Lower House. It was during this debate on the Constitutional Act that the memorable quarrel took place between Burke and Fox which severed their long private friendship.

The Constitutional Act, as an instrument of government, was far in advance of the Quebec Act, and was a remarkable step in the political development of the country. Its effect upon the French was beneficial in one important particular: it educated them to a considerable extent in self-

[1] 3-4 Vict., c. 35.

government, and taught them to appreciate its advantages. But at the same time it continued the work, which the Quebec Act had practically commenced, of strengthening them as a distinct nationality desirous of perpetuating their own favoured institutions. This, it has been said, was an influence which did not make for a homogeneous nation, and, by segregating the French from the other provinces, was not in the interest of the French-Canadians themselves. The British statesmen, however, who were responsible for the Constitutional Act had no wish or desire to destroy the national life and character of the people of French Canada. The Act as a whole was the handiwork of Pitt. He remembered that, in less than ten years from the time that the French power was broken in America, the thirteen colonies, having no longer the dread of French aggression, declared their independence. In his speech in the House of Commons he said that the real object was to create two colonies separate from and jealous of each other, so as to guard against a repetition of the rupture—"the great Anglo-Saxon schism"—which had separated the thirteen colonies from the mother country. It was a short-sighted policy, but is not to be wondered at. English statesmen could hardly be expected at that time to foresee the advent of colonial self-government half a century afterwards, and its successful reign in the subsequent years, much less the germ of the federal system which was undesignedly in-

troduced by giving each province the control of its own affairs.

Under the Constitutional Act, the former province of Quebec, or what remained of it after the revolutionary war, was divided into the two provinces of Upper and Lower Canada, the division taking effect on December 26th, 1791, by an order of the king in council. The division line was practically the river Ottawa, which separated roughly the French and English settlements, and left most of the seigniories, relics of the Canadian feudal system created under the French régime, in Lower Canada. A legislative council and a legislative assembly were constituted within each province, by whose advice and consent the sovereign, represented by the governor, or (in the case of Upper Canada, the younger province,) the lieutenant-governor, and appointed by him, should have power "to make laws for the peace, welfare and good government" of the separate provinces. In Upper Canada the legislative council was to consist of "a sufficient number of discreet and proper persons, being not fewer than seven," who were to be summoned thereto, under the great seal of the province, by the governor or lieutenant-governor, or person administering the government, every such person to hold his seat for life, subject to be vacated in certain cases defined by the statute. The Speaker of the council was to be appointed and removed by the lieutenant-governor. His Majesty was also em-

powered by the Act to confer upon any subject of the Crown by letters-patent, under the great seal of either province, "any hereditary title of honour, rank, or dignity of such province," and "to annex thereto, by the said letters-patent, an hereditary right of being summoned to the legislative council of such province." This provision for creating a political aristocracy emanated from Pitt, and was favoured by Burke but opposed by Fox, who, as we have seen, declared his preference for an elective instead of a nominative council.

The legislative assembly was to consist of not less than sixteen members, who were to be chosen by electoral districts of which the limits and the number of representatives of each district were fixed by the lieutenant-governor. This representation was increased twice in subsequent years, until, under the régime of Sir Peregrine Maitland, it was made self-regulating by an Act passed for that purpose. In 1828, when Mackenzie was first elected, the number of members was forty-eight.

One other element of the provincial constitution was the executive council, who are referred to in four sections of the statute[1] as being "appointed by His Majesty, his heirs or successors, within such province, for the affairs thereof"—which meant, of course, by the lieutenant-governor.

There was thus in Upper Canada, under this

[1] Sections 7, 34, 38 and 50, the words of reference being substantially the same in each section.

instrument of government, a reproduction of the British civil polity—a lieutenant-governor, who represented the Crown, a legislative council, nominated by the Crown, corresponding to the House of Lords, an assembly, elected by the people, corresponding to the House of Commons, and an executive council, representing the confidential advisers of the sovereign. These features of the new system were emphasized by General Simcoe, the first governor of the province, in his speech at the close of the first session of the first parliament of Upper Canada, on October 15th, 1792. He congratulated his yeomen commoners on possessing "not a mutilated constitution, but a constitution which has stood the test of experience, and is the very image and transcript of that of Great Britain." "Though it might be the express image in form," says Mr. Goldwin Smith, "it was far from being the express image in reality of parliamentary government as it exists in Great Britain, or even as it existed in Great Britain at that time. The lieutenant-governor, representing the Crown, not only reigned but governed with a ministry not assigned to him by the vote of the assembly but chosen by himself, and acting as his advisers, not as his masters. The assembly could not effectually control his policy by withholding supplies, because the Crown, with very limited needs, had revenues, territorial and casual,[1] of its own. Thus the imita-

[1] The "casual and territorial revenues" were derived from the sale

tion was somewhat like the Chinese imitation of the steam vessel, exact in everything except the steam."[1]

Lord Durham's commentaries on the political constitutions provided by the Act of 1791, as already outlined, are highly instructive. These disclosed, as he could not help noticing, common weaknesses and defects. "It is impossible," he says, "to observe the great similarity of the constitutions established in all our North American provinces, and the striking tendency of all to terminate in pretty nearly the same results, without entertaining a belief that some defect in the form of government, and some erroneous principle of administration, have been common to all; the hostility of the races being palpably insufficient to account for all the evils which have affected Lower Canada, inasmuch as nearly the same results have been exhibited among the homogeneous population of the other provinces."[2] A common defect is also observed in

of timber on the Crown lands and from other sources, and, for a long time, were held and appropriated by the lieutenant-governor and his officials instead of by the House of Assembly, which should have controlled these and all other public moneys. This species of finance, as long as it lasted, was naturally a subject of constant contention between the Crown officials and the representatives of the people.

[1] *Canada and the Canadian Question* (1881), p. 100.

[2] Durham's *Report,* p. 32. There have been several different editions of Lord Durham's Report, namely, the original English edition, 1839, published in London by the British government, the Canadian reprint of the same year by Robert Stanton, Queen's Printer, Toronto, and a recent English edition by Methuen & Co., 1902. The page references in the present volume are to the Canadian edition.

the irritating relations between the executive and the popular body. "It may fairly be said that the natural state of government in all these colonies is that of collision between the executive and the representative body. In all of them the administration of public affairs is habitually confided to those who do not co-operate harmoniously with the popular branch of the legislature; and the government is constantly proposing measures which the majority of the assembly reject, and refusing its assent to bills which that body has passed."[1]

Turning to counterparts in the Canadian constitution of King, Lords and Commons in Great Britain, he deals first with the governor, or lieutenant-governor, and says: "The fact is that, according to the present system, there is no real representative of the Crown in the province; there is in it literally no power which originates and conducts the executive government. The governor, it is true, is said to represent the sovereign, and the authority of the Crown is, to a certain extent, delegated to him; but he is, in fact, a mere subordinate officer, receiving his orders from the secretary of state, responsible to him for his conduct, and guided by his instructions."[2]

"It has, therefore, been the tendency of the local government to settle everything by reference to the colonial department in Downing Street. Almost every question on which it was possible to

[1] *Ibid.*, p. 32. [2] *Ibid.*, p. 37.

avoid, even with great inconvenience, an immediate decision, has been habitually the decision of reference; and this applies, not merely to those questions on which the local executive and legislative bodies happened to differ—wherein the reference might be taken as a kind of appeal—but to questions of a strictly local nature, on which it was next to impossible for the colonial office to have any sufficient information."[1]

One of Durham's recommendations to the imperial authorities was a revision of the constitution of the legislative councils under the Constitutional Act, so as to make the second body of the proposed united legislature a useful check on the popular House, and so prevent a repetition of those collisions between the councils and the assemblies which had been such a fruitful cause of dangerous irritation. "The present constitution of the legislative councils of these provinces" (*i.e.* under the Act of 1791), he says, "has always appeared to me inconsistent with sound principles, and little calculated to answer the purpose of placing the effective check, which I consider necessary, on the popular branch of the legislature. The analogy which some persons have attempted to draw between the House of Lords and the legislative council seems to me erroneous. The constitution of the House of Lords is consonant with the frame of English society, and, as the creation of a precisely similar body, in such a state

[1] *Ibid.*, p. 45.

of society as that of these colonies, is impossible, it has always appeared to me most unwise to attempt to supply its place by one which has no point of resemblance to it, except that of being a non-elective check on the elective branch of the legislature. The attempt to invest a few persons, distinguished from their fellow-colonists neither by birth nor hereditary property, and often only transiently connected with the country, with such a power, seems only calculated to ensure jealousy and bad feeling in the first instance, and collision at last.[1]"

Having noticed the collisions between the executive and the representative body (*ante* p. 56), he points out that "the collision with the executive government necessarily brought on one with the legislative council. The composition of this body . . . must certainly be admitted to have been such as could give it no weight with the people, or with the representative body, on which it was meant to be a check. The majority was always composed of members of the party which conducted the executive government; the clerks of each council were members of the other; and, in fact, the legislative council was practically hardly anything but a veto, in the hands of public functionaries, on all the acts of that popular branch of the legislature in which they were always in a minority. This veto they used without any scruple."[2]

[1] *Ibid.*, p. 104.

[2] *Ibid*, p. 37.

THE ASSEMBLY'S JUST DEMANDS

In the scheme of government initiated by the Constitutional Act, the position and powers of the House of Assembly were of vital consequence to the future well-being of the province. A voice in the selection of persons in whose administration of affairs it could feel confidence, and the control of the public revenues, were powers which were essential to the usefulness of such a representative body. Although the financial disputes were more easily arranged in Upper than in Lower Canada, the assembly was systematically deprived from the outset of any control over the executive government. The argument which Lord Durham presented against this stultification of the assembly was most incisive and convincing, and, coupled with his arraignment of the abuses to which it gave rise, was a complete vindication of the policy and attitude of Mackenzie and the Reform party.

"The powers," he says, "for which the assembly contended appear to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of government who imagined, that, in any colony of England, a body invested with the name and character of a representative assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that, by mere limitations in the Constitutional Act, or an exclusive system of government, a body, strong in the consciousness

of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive and indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed on the authority of the assembly of Lower Canada;[1] it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The executive council, the law-officers, and whatever heads of departments are known to the administrative system of the province, were placed in power without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the assembly might condemn the policy of the government, the persons who had advised that policy retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed

[1] The whole of this commentary on the assembly of Lower Canada applies, as Lord Durham points out at page 64 of his Report, to the Upper Canada assembly as well.

it. The wisdom of adopting the true principle of representative government, and facilitating the management of public affairs by entrusting it to the persons who have the confidence of the representative body, has never been recognized in the government of the North American colonies. All the officers of government were independent of the assembly; and that body, which had nothing to say to their appointment, was left to get on, as it best might, with a set of public functionaries whose paramount feeling may not unfairly be said to have been one of hostility to itself."[1]

"A body of holders of office thus constituted," he proceeds to say, "without reference to the people or their representatives, must in fact, from the very nature of colonial government, acquire the entire direction of the affairs of the province. A governor, arriving in a colony in which he almost invariably has had no previous acquaintance with the state of parties, or the character of individuals, is compelled to throw himself almost entirely upon those whom he finds placed in the position of his official advisers. His first acts must necessarily be performed, and his first appointments made, at their suggestion. And as these first acts and appoint-

[1] The comments of Mr. Rattray and Mr. Read on the constitutional helplessness of the House of Assembly, under the practical operation of the Act, are just as pronounced as those of Durham. The same may be said of all other writers on the period. See *The Scot in British North America* (1881), Vol. ii, pp. 462, 463; and *The Rebellion of 1837* (1896), pp. 128, 154.

ments give a character to his policy, he is generally brought thereby into immediate collision with the other parties in the country, and thrown into more complete dependence upon the official party and its friends. Thus a governor of Lower Canada[1] has almost always been brought into collision with the assembly, which his advisers regard as their enemy. In the course of the contest in which he was thus involved, the provocations which he received from the assembly, and the light in which their conduct was represented by those who alone had any access to him, naturally imbued him with many of their antipathies; his position compelled him to seek the support of some party against the assembly; and his feelings and his necessities thus combined to induce him to bestow his patronage, and to shape his measures to promote the interests of the party on which he was obliged to lean. Thus, every successive year consolidated and enlarged the strength of the ruling party. Fortified by family connection, and the common interest felt by all who held, and all who desired, subordinate offices, that party was thus erected into a solid and permanent power, controlled by no responsibility, subject to no serious change, exercising over the whole government of the province an authority utterly independent of the people and its representatives, and possessing the only means of

[1] The same remarks apply to Upper Canada. See foot-note *supra*, p. 60.

influencing either the government at home, or the colonial representative of the Crown."[1]

"It is difficult to understand how any English statesman could have imagined that representative and irresponsible government could be successfully combined. There seems, indeed, to be an idea that the character of representative institutions ought to be thus modified in colonies; that it is an incident of colonial dependence that the officers of government should be nominated by the Crown, without any reference to the wishes of the community whose interests are entrusted to their keeping. It has never been very clearly explained what are the imperial interests which require this complete nullification of representative government. But, if there be such a necessity, it is quite clear that a representative government in a colony must be a mockery, and a source of confusion. For those who support this system have never yet been able to devise or to exhibit, in the practical working of colonial government, any means for making so complete an abrogation of political influence palatable to the representative body."[2]

Durham's description of the executive council is no less graphic. "The real advisers," he says, "of the governor have, in fact, been the executive council, and an institution more singularly calculated for preventing the responsibility of the acts

[1] Lord Durham's *Report* pp. 34, 35.

[2] *Ibid.*, p. 35.

of government resting on anybody can hardly be imagined. It is a body of which the constitution somewhat resembles that of the Privy Council; it is bound by a similar oath of secrecy; it discharges in the same manner anomalous judicial functions; and its 'consent and advice' are required in some cases in which the observance of that form has been thought a requisite check on the exercise of particular prerogatives of the Crown. But in other respects it bears a greater resemblance to a cabinet, the governor being in the habit of taking its advice on most of the important questions of his policy. But, as there is no division into departments in the council, there is no individual responsibility, and no individual superintendence. Each member of the council takes an equal part in all the business brought before it. The power of removing members being very rarely exercised, the council is, in fact, for the most part, composed of persons placed in it long ago; and the governor is obliged either to take the advice of persons in whom he has no confidence, or to consult only a portion of the council. The secrecy of the proceedings adds to the irresponsibility of the body; and when the governor takes an important step, it is not known, or not authentically known, whether he has taken the advice of this council or not, what members he has consulted, or by the advice of which of the body he has been finally guided. The responsibility of the executive council has

been constantly demanded by the Reformers of Upper Canada, and occasionally by those of the Lower Province. But it is really difficult to conceive how desirable responsibility could be attained, except by altering the working of this cumbrous machine, and placing the business of the various departments of government in the hands of competent public officers." [1]

In another part of his Report, Lord Durham deals with "the effect which the irresponsibility of the real advisers of the governor had in lodging permanent authority in the hands of a powerful party, linked together, not only by common party interests, but by personal ties." And this leads naturally to a description of the Family Compact. "But in none of the North American provinces," he says, "has this exhibited itself for so long a period, or to such an extent, as in Upper Canada, which has long been entirely governed by a party commonly designated through the province as the 'Family Compact,' a name not much more appropriate than party designations usually are, inasmuch as there is, in truth, very little of family connection among the persons thus united. For a long time this body of men, receiving at times accessions to its numbers, possessed almost all the highest public offices, by means of which and of its influence in the executive council it wielded all the powers of government; it maintained influence in the legisla-

[1] *Ibid.*, pp. 48, 49.

ture by means of its predominance in the legislative council; and it disposed of the large number of petty posts which are in the patronage of the government all over the province. Successive governors, as they came in their turn, are said to have either submitted quietly to its influence, or, after a short and unavailing struggle, to have yielded to this well-organized party the real conduct of affairs. The bench, the magistracy, the high offices of the Episcopal Church, and a great part of the legal profession, are filled by the adherents of this party; by grant or purchase, they have acquired nearly the whole of the waste lands of the province; they are all powerful in the chartered banks, and, till lately, shared among themselves almost exclusively all offices of trust and profit. The bulk of this party consists, for the most part, of native-born inhabitants of the colony, or of emigrants who settled in it before the last war with the United States; the principal members of it belong to the Church of England, and the maintenance of the claims of that Church has always been one of its most distinguishing characteristics. A monopoly of power so extensive and so lasting could not fail, in process of time, to excite envy, create dissatisfaction and ultimately provoke attack; and an opposition consequently grew up, in the assembly, which assailed the ruling party by appealing to popular principles of government, by denouncing the alleged

jobbing and profusion of the official body, and by instituting inquiries into abuses for the purpose of promoting reform and especially economy."[1]

The crux of the existing political situation, the radical remedy aimed at, and, as experience has proved, the only effective one, the contrast in this respect with the agitation in Lower Canada, and the manner in which the official party, although in a minority in parliament, despoiled the Reformers of their popular victories in the constituencies, are also clearly indicated. "The struggle, though extending itself over a variety of questions of more or less importance, avowedly and distinctly rested on the demand for responsibility in the executive government."[2] . . . "It was upon this question of the responsibility of the executive council that the great struggle has, for a long time, been carried on between the official party and the Reformers; for the official party, like all parties long in power, was naturally unwilling to submit itself to any such responsibility as would abridge its tenure, or cramp its exercise, of authority. Reluctant to acknowledge any responsibility to the people of the colony, this party appears to have paid a somewhat refractory and nominal submission to the imperial government—relying, in fact, on securing a virtual independence by this nominal

[1] *Ibid.*, pp. 65, 66.

[2] *Ibid.*, p. 65.

submission to the distant authority of the colonial department, or to the powers of a governor over whose policy they were certain, by their facilities of access, to obtain a paramount influence."[1]

"The Reformers, however, at last discovered that success in the elections insured them very little practical benefit; for the official party, not being removed when it failed to command a majority in the assembly, still continued to wield all the powers of the executive government, to strengthen itself by its patronage, and to influence the policy of the colonial governor and of the colonial department at home. By its secure majority in the legislative council, it could effectually control the legislative powers of the assembly. It could choose its own moment for dissolving hostile assemblies; and could always insure, for those that were favourable to itself, the tenure of their seats for the full term of four years allowed by the law. Thus the Reformers found that their triumphs at elections could not, in any way, facilitate the progress of their views, while the executive government remained constantly in the hands of their opponents. They rightly judged that, if the higher offices and executive council were always held by those who could command a majority in the assembly, the constitution of the legislative council was a matter of very little moment; inasmuch as the advisers of the governor could always take

[1] *Ibid.*, p. 67.

care that its composition should be modified so as to suit their own purposes. They concentrated their powers, therefore, for the purpose of obtaining the responsibility of the executive council; and I cannot help contrasting the practical good sense of the English Reformers of Upper Canada with the less prudent course of the French majority in the assembly of Lower Canada, as exhibited in the different demands of constitutional change most earnestly pressed by each. Both, in fact, desired the same object; namely, an extension of popular influence in the government. The assembly of Lower Canada attacked the legislative council—a body of which the constitution was certainly most open to obvious theoretical objections on the part of all the advocates of popular institutions, but, for the same reason, most sure of finding powerful defendants at home. The Reformers of Upper Canada paid little attention to the composition of the legislative council, and directed their exertions to obtaining such an alteration of the executive council as might have been obtained without any derangement of the constitutional balance of power; but they well knew that, if once they obtained possession of the executive council and the higher offices of the province, the legislative council would soon be unable to offer any effectual resistance to their meditated reforms."[1]

[1] *Ibid.*, pp. 66, 67.

One other salient feature of the constitution of 1791, which, being fully discussed in a subsequent chapter, calls only for a passing notice, is the series of provisions creating the Clergy Reserves and establishing a State Church in Canada.[1] The lieutenant-governor was empowered to make allotments of land, in the proportion of one lot in seven in the province, for the "support and maintenance of the Protestant clergy," the rents arising therefrom to be applicable to that purpose only. The expression "Protestant Clergy" was at first construed to mean the Anglican clergy solely, but the Church of Scotland having been expressly recognized as a "Protestant" church by the Act of Union of England and Scotland, in 1706, the ministers of that Church, in 1819, were held by the English law-officers of the Crown to be considered as "Protestant clergy," and so entitled to share in the funds. The provisions concerning the Reserves might be varied or repealed by the provincial parliament, but any enactments for that purpose had to be approved by the English parliament before being assented to by the king. Considering the political influences of the time, and the manner in which they were exercised, this reservation constituted a strong protection and safeguard for the church establishment.

The effect of these Church endowments upon the religious denominations themselves, upon the

[1] These are contained in sections 36 to 42, inclusive, of the Act.

legislature, and throughout the whole country, was most pernicious. In the opinion of many persons, as remarked by Lord Durham in his Report, they were one of the chief causes of the rebellion. Durham speaks of them as "an abiding and unabating cause of discontent;" and concludes that "the result of any determination on the part of the English government or legislature to give one sect a predominance and superiority would be, it might be feared, not to secure the favoured sect, but to endanger the loss of the colony, and, in vindicating the exclusive pretensions of the English Church, to hazard one of the fairest possessions of the British Crown."[1]

It is unnecessary to consider any other provisions of the Constitutional Act, because they were overshadowed in importance by those to which reference has already been made. The constitutional question, as it may well be called, was the vital question during the period covered by the Act, and the gravity of the constitutional question, in so far as it affected popular parliamentary rule in the province, may at once be seen by the insignificant place occupied by the legislative assembly in the order and authority of government. Briefly summarized, the order was this: (1) A colonial secretary in England who supervised the provincial government; (2) a lieutenant-governor in the province who acted under an imperial commission and in-

[1] *Report*, pp. 76, 77.

structions; (3) an executive council appointed by the lieutenant-governor and responsible to him alone; (4) a legislative council composed of members appointed for life by the lieutenant-governor; and (5) a legislative assembly elected by the people on a limited franchise, and exercising little control over the finances and government of the province.

This was the constitution under which the people of Upper Canada were living when Mackenzie cast in his lot with them in the year 1820. Its history affords a fair illustration of the dictum of the old Greek philosopher, that "a good constitution in itself is not more necessary than men with proper sympathies and understandings to administer it." Admirable as it appeared in the broad pages of the statute-book, no man of Mackenzie's intelligence and discernment could fail to perceive what an ill-constructed and mischievous machine it was in its practical operation. He declared war against it, and against the men who were upholding and defending it for their own selfish ends—at first with moderation, which developed into intense hostility, until at last, with his life in his hands and at the sacrifice of everything which life holds dear, he was constrained to strike the blow which compassed its destruction.

It was a conflict of less than fourteen years, because Mackenzie's attitude was not publicly defined until the appearance of the first number of the

Colonial Advocate in the early summer of 1824. At that time the evils of the system of government which had grown up under the new constitution were fully developed. Their name was legion. Frequent collisions between the executive and the legislative assembly, and between the assembly and the legislative council;[1] abuses of the provincial grants for local public works; a weak and unpopular administration of the royal prerogative; interference of the colonial department in the purely local affairs of the province;[2] the irresponsibility of the executive council, and the absence of any division of the public service into regular ministerial departments; the Clergy Reserves and the establishment of rectories, and the fierce bitterness and strife to which

[1] During the eight years preceding 1837, no fewer than three hundred and twenty-five bills passed by the legislative assembly were rejected by the legislative council—an average of more than forty for each session. Making every allowance for the proper rejection of some of them, the fact is cogent evidence of the direct and perpetual conflict that prevailed between the two deliberative branches of the legislature. It shows, as has been said, that "the Upper House had no weight with the people, and the Lower House no weight with the Crown."

[2] In 1839, after Lord Durham had presented his Report to the home government, Lord Glenelg, the colonial minister, expressed the opinion that "parliamentary legislation, on any subject of exclusively internal concern to any British colony possessing a representative assembly, is, as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception." (Parliamentary Papers, 1839, No. 118, p. 7.) This was really the first official acknowledgment of the right of colonial self-government, and the cause of the change of opinion is not hard to determine.

these gave rise; the want, in a large part of the province, of roads, post-offices, mills, schools and churches; the corrupt and wasteful appropriation of the Crown lands;[1] the lack of proper arrangements for the reception and disposition of immigrants; the Family Compact—another name for the concentration of political power and patronage in

[1] The method of granting public lands was one of the great evils of the time. Under Governor Simcoe there were free grants of wild lands to actual settlers, which was a good policy; but, under his successors, the public lands were used for enriching the favourites of the government. Each member of the executive council was given five thousand acres, and each of his children twelve hundred acres. Favoured members of the legislative council and their children were dealt with in the same liberal fashion; other influential persons received twelve hundred acres each. For the first thirty-five years under the Constitutional Act, these grants were in the discretion of the governor-in-council, which was shamefully abused. Thousands of acres, whole townships, in fact, in some cases, were owned or controlled by individual grantees. Grants were not unfrequently made to persons in the service of the officials, and afterwards transferred to the officials themselves or their children. One case on record is that of a three days' old child of a member of the legislative council, to whom a grant of a reserve, applied for, was actually made! Lord Durham gives the following statement of the land grants: "In Upper Canada, 3,200,000 acres have been granted to 'U. E. Loyalists,' being refugees from the United States who settled in the province before 1787, and their children; 730,000 acres to militia men; 45,000 acres to discharged soldiers and sailors; 255,000 acres to magistrates and barristers; 136,000 acres to executive councillors and their families; 36,900 acres to clergymen, as private property; 264,000 acres to persons contracting to make surveys; 92,526 acres to officers of the army and navy; 500,000 acres for the endowment of schools; 48,520 acres to Colonel Talbot; 12,000 acres to the heirs of General Brock; and 12,000 acres to Doctor Mountain, a former Bishop of Quebec; making altogether, with the Clergy Reserves, nearly half of all the surveyed land in the province." Durham's *Report*, p. 94.

the hands of a few persons, and the tyranny, maladministration and manifold evils which it produced; the appointment of military men as lieutenant-governors; the exorbitant salaries, for perfunctory services, of certain public officials; the union of judicial and legislative functions in the same persons; the appointment of judges and other public officials during the pleasure of the executive and not during good behaviour;—these and an incalculable number of minor grievances, of which they were the direct and inevitable cause, constantly provoked the just resentment and challenged the attacks of the Reformers under Mackenzie and the other Reform leaders of the time. It was of these that Lord Durham wrote in his Report, in which both the bane and the antidote of the existing system are clearly indicated: "Such are the lamentable results of the political and social evils which have so long agitated the Canadas; and such is their condition that, at the present moment, we are called on to take immediate precautions against dangers so alarming as those of rebellion, foreign invasion and utter exhaustion and depopulation. When I look on the various and deep-seated causes of mischief which the past inquiry has pointed out as existing in every institution, in the constitutions, and in the very composition of society throughout a great part of these provinces, I almost shrink from the apparent presumption of grappling with these gigantic diffi-

culties. Nor shall I attempt to do so in detail. I rely on the efficacy of reform in the constitutional system by which these colonies are governed, for the removal of every abuse in their administration, which defective institutions have engendered. If a system can be devised which shall lay, in these countries, the foundation of an efficient and popular government, ensure harmony in place of collision between the various powers of the State, and bring the influence of a vigorous public opinion to bear on every detail of public affairs, we may rely on sufficient remedies being found for the present vices of the administrative system. . . . .

"We are not now to consider the policy of establishing representative government in the North American colonies. That has been irrevocably done; and the experiment of depriving the people of their present constitutional power is not to be thought of. To conduct their government harmoniously, in accordance with its established principles, is now the business of its rulers, and I know not how it is possible to secure that harmony in any other way than by administering the government on those principles which have been found perfectly efficacious in Great Britain. I would not impair a single prerogative of the Crown; on the contrary, I believe that the interests of the people of these colonies require the protection of prerogatives which have not hitherto been exercised. But the Crown must, on the other

hand, submit to the necessary consequences of representative institutions, and if it has to carry on the government in union with a representative body, it must consent to carry it on by means of those in whom that representative body has confidence."[1]

After all, the strongest justification of Mackenzie and the Reformers of his time, apart from the facts and transactions themselves, is this exhaustive statement on the affairs of British North America presented to the home government by Lord Durham at the close of his brief administration in Canada. The Report is beyond praise. It is one of the classics of British political literature, and a splendid addition to the many famous State papers in the archives of the nation. The masterly analysis of the whole situation, the grasp of conditions, the exposition of principles and the practical wisdom embodied in the Report, and its far-reaching influence on British colonial government, are great and enviable monuments to its illustrious author. Reading between the lines one can easily see the painful impression produced on his mind by his investigation of affairs in Canada at that time, yet there is, in the language and tone of the whole document, a restraint of feeling and reserve of censure, and a fairness and moderation of statement and conclusion, which are admirable in the extreme. A more finished, instructive and

[1] *Report*, pp. 118, 119.

thoroughly judicial deliverance, on the many and difficult questions of a great controversy, has never been made by any British statesman. "The Report," writes one who has done justice to the character and work of Durham and the memorable part which he played in the annals of the Empire, "was a noble and far-sighted plea for autonomy and equality. Durham, to borrow his own words, sought to turn Canada from a 'barren and injurious sovereignty' into 'one of the brightest ornaments in the young Queen's Crown.' The Durham Report brought about, not merely the union of two distracted provinces, but gave the people of Canada self-government, without imperilling a single prerogative of the throne. It marked a new era in the relation of England to her colonies; for the broad and philosophic principles upon which it was based were capable, as after years have shown, of application to similar problems of government in almost every quarter of the globe. Its outcome was not only the redress of political grievances, or even the creation of new and splendid opportunities for adventurous but loyal sons of England under other skies; it was all this, but it was more. It was the recognition, based on the knowledge, inspired by sympathy, and made luminous by moral vision, that the authority of the mother country rested on other than material ascendency. Lord Durham appealed to the sentiments and ideals of men, and laid,

four-square to all the winds that blow, the foundations, not only of that great Dominion, which he did not live to see, but also of that passionate loyalty—a veritable union of hearts—which served England well in recent years of warfare and of peril."[1] "Canada will one day do justice to my memory," were the dying words of this famous constitutional reformer. The day has long since come, and the radiance of its gratitude will never be dimmed.

For the conclusions and findings of Lord Durham in this celebrated Report, Mackenzie is fairly entitled to a large share of credit. Long before Durham's State paper was laid before the British parliament, Mackenzie had prepared the "Seventh Report on Grievances" for the information of the imperial authorities. It no doubt contained considerable matter which was irrelevant from an imperial standpoint, although not so considered by the author, who, in his narrative based on the knowledge and experience of thousands of persons on the spot, was naturally anxious to recite every material fact and circumstance, however insignificant. Durham, as we know, made independent inquiries for the information on which his Report was formulated, but he certainly profited largely from Mackenzie's labours. A perusal and comparison of the two documents shows that, with

[1] Stuart J. Reid, *Life and Letters of Lord Durham* (1906), pp. 337, 338.

some few exceptions, the statements of fact as to political and economic conditions in the province, and the remedies and recommendations proposed for their amelioration and improvement, are substantially the same. The control of the Crown lands, which had been one of the most fruitful sources of official favouritism and corruption, was perhaps the most important question upon which the two men differed, Mackenzie as a home ruler favouring local, and Durham imperial, control; but, so far as the constitutional changes were concerned, they were both of one mind as to the true and imperative remedy. The fact that the two reports support and corroborate each other gives weight and value to both of them as historical and constitutional documents, and fully justifies, if any justification were necessary, the position of Mackenzie and the Reform party with respect to the whole bill of indictment against the existing system.

One of the arguments which the Reformers had to meet in their controversies with the official party, during this period, was derived from the Constitutional Act itself. The Act, it was said, was silent on the question of executive responsibility. The argument would have been just as cogent with respect to the Union Act, 1840,[1] which was based on Lord Durham's Report, or to the British North America Act, 1867,[2] because there is no provision

[1] 3-4 Vict., c. 35.

[2] 30-31 Vict , c. 3.

on the subject in either of those statutes. Nor was any such provision necessary, so far as the Constitutional Act was concerned. The question was one in regard to which, as Lord John Russell said, the Act was "necessarily silent." This point did not escape the attention of Lord Durham, who shows very clearly that a change of policy in the provincial government might be effected by a single despatch to the governor-general containing instructions, coupled with an assurance on His Excellency's part, that the government of the province "should henceforth be carried on in conformity with the views of the majority in the assembly." Durham's argument on the question was followed up by a distinct recommendation that "the responsibility to the united legislature of all officers of the government, except the governor and his secretary, should be secured by every means known to the British constitution. The governor, as the representative of the Crown, should be instructed that he must carry on his government by heads of departments, in whom the united legislature shall repose confidence; and that he must look for no support from home in any contest with the legislature, except on points involving strictly imperial interests."[1] The "assurance" and "instructions," referred to by Lord Durham, were subsequently conveyed by Lord John Russell in despatches dated September 7th and October 14th,

[1] *Report*, p. 139.

1839, to Lord Sydenham, the first governor-general of the united province.[1]

The authorship of Lord Durham's Report, which has given rise to some controversy, appears to be satisfactorily settled by his biographer. "It would be idle," Mr. Stuart J. Reid says, "to ignore the oft-repeated statement that Durham did not write the Report which bears his name. It rests on mere hearsay evidence at best, and is untrue, and therefore unjust." He proceeds to show that the story originated with Lord Brougham, Durham's most vindictive enemy, whose testimony is worthless. Brougham attributed the work to Gibbon Wakefield and Charles Buller, both of whom accompanied Durham to Canada, Buller as Durham's secretary. "Buller, in process of time, obtained the credit of the whole production. The late Henry Reeves was reponsible for this, perhaps more than any one else, by a foot-note which he inserted in the *Greville Memoirs*. He gives no authority whatever for the statement, and it may, therefore, be dismissed as gossip, which, after floating about the world for a generation or more uncontradicted, was accepted as historical fact. Gibbon Wakefield, so far as is known, never claimed the authorship of the Report. Charles Buller, so far from doing so, actually denounced as a 'groundless assertion' the view that Lord Durham did not write it. This declaration was made in the pages of the *Edinburgh*

[1] See *Journals of Legislative Assembly*, 1841, pp. 390-6.

Review, in an article on Canadian affairs, which was unsigned. It is now possible to state with authority, that that article was actually written by Charles Buller, and, therefore, though even in the *Dictionary of National Biography* he is credited with the authorship of the Report, the statement, on his own showing, falls to the ground. It may be further added that, in the unprinted *Sketch of Lord Durham's Mission to Canada*, Buller speaks at some length of the Report, expresses admiration of its contents, and, by no single phrase or even word, hints that he was responsible for it. Unless the present writer is greatly mistaken, such a claim was never made in Buller's lifetime; if it had been, he would instantly have repudiated it. The truth is, the Report, so far as the facts which it embodied were concerned, was necessarily to a large extent the work of Durham's assistants. Buller, Wakefield, Turton and lesser men, all had a hand in gathering the materials for it. Durham himself admitted as much in one of his last speeches in the House of Lords, where he paid a generous tribute to the men who, under his directions, had accumulated the evidence which he turned to such memorable account in this great State paper."[1]

[1] Stuart J. Reid, *Life and Letters of Lord Durham* (1906), Vol. ii. pp. 338, 340, 341.

CHAPTER IV

"THE COLONIAL ADVOCATE"

WHEN Mackenzie abandoned trade for politics, he was doing well, and had done well ever since he commenced business. A perseverance in the career on which he had entered four years before would have led to wealth. In the first number of the *Colonial Advocate*, published at Queenston on May 18th, 1824, he describes himself as being "as independent as editors can well be." The step which he had now taken was one of the most important in his whole career, since it involved everything that followed. Why did he take it? Fortunately the answer can be given in his own words. Writing from the United States to a friend, after the rebellion, he says:—

"When you and your father knew me first, in 1820, I was a young man connected with trade in York and Dundas. The prudent, judicious, and very profitable manner in which I conducted, alone, the partnership concerns of a large trading establishment at the head of Lake Ontario, surely afforded satisfactory evidence that I had no occasion to leave my private pursuits for the stormy sea of politics with a view to the improvement of my pecuniary prospects. When I did so, and assumed, as the westernmost journalist in the British domin-

ions on the continent of America, the office of a public censor, I had no personal enemies, but was on friendly terms with many of the men whom since then I have steadily opposed. I never interfered in the public concerns of the colony in the most remote degree, until the day on which I issued twelve hundred copies of a newspaper without having asked or received a single subscriber. In that number I stated my sentiments, and the objects I had in view, fully and frankly. I had long seen the country in the hands of a few shrewd, crafty, covetous men, under whose management one of the most lovely and desirable sections of America remained a comparative desert. The most obvious public improvements were stayed; dissension was created among classes; citizens were banished and imprisoned in defiance of all law; the people had been long forbidden, under severe pains and penalties, from meeting anywhere to petition for justice; large estates were wrested from their owners in utter contempt of even the forms of the courts; the Church of England, the adherents of which were few, monopolized as much of the lands of the colony as all the religious houses and dignitaries of the Roman Catholic Church had had the control of in Scotland at the era of the Reformation; other sects were treated with contempt and scarcely tolerated; a sordid band of land-jobbers grasped the soil as their patrimony, and, with a few leading officials who divided the public revenue

among themselves, formed 'the Family Compact,' and were the avowed enemies of common schools, of civil and religious liberty, of all legislative or other checks to their own will. Other men had opposed, and been converted, by them. At nine-and-twenty I might have united with them, but chose rather to join the oppressed, nor have I ever regretted that choice, or wavered from the object of my early pursuit. So far as I or any other professed Reformer was concerned in inviting citizens of this union to interfere in Canadian affairs, there was culpable error. So far as any of us, at any time, may have supposed that the cause of freedom would be advanced by adding the Canadas to this Confederation, we were under the merest delusion."

This picture of Upper Canada in 1820 may be highly coloured; but in the general outlines, repulsive as they are, there is too much truth. The limner lived to see a change of system in Canada; and after he had had a more than theoretical experience of democracy in the United States—having resided there for several years—he warns Canadians not to be misled by the delusion that the cause of liberty would be advanced by uniting these provinces to the American republic. When we come to see at what price he purchased the experience which entitled him to express such an opinion, the value of this admonition cannot fail to be enhanced in the estimation of all unprejudiced judges.

In some respects the condition of the province in 1820 was worse than Mackenzie described it. He dealt only with its political condition; but the absence of demand for employment made wretched those who depended solely upon their labour for subsistence. When Lord Hamilton suggested, in the House of Commons in 1820, that an emigration to the North American colonies would be the most effectual means of relieving distress at home, the Chancellor of the Exchequer replied that the emigrants who had recently gone there, "so far from finding increased means of subsistence, had experienced a want of employment fully equal to that which existed in the most distressed manufacturing districts of this country. The North American provinces of Great Britain had been so overloaded with emigrants that the government of Canada had made the strongest remonstrances to the government of this country on the subject."

The condition of things otherwise was very unsatisfactory. Protest against existing abuses seemed impossible; public meetings, the actors in which had been deputed to represent any portion of the electors, were illegal; and everything in the shape of a convention was held to be seditious. A provincial statute known as the Alien Act, passed in 1804, made it possible to arrest any person, who had not been an inhabitant of the province for six months and who had not taken the oath of allegiance, on the mere suspicion that he was "about

to endeavour to alienate the minds of His Majesty's subjects from his person or government, or in any wise with a seditious intent to disturb the tranquillity thereof." If such a person failed to prove his innocence, he must, on notification, quit the province within a named time, failing which he might be formally tried. On trial, if adjudged guilty, he was to be ordered to quit the province, and if he did not do so, he was deemed guilty of a felony and to suffer death as a felon without benefit of clergy.

Robert Gourlay, an educated Scotsman, son of a gentleman of considerable fortune, and who was reputed to be the best informed man in the kingdom respecting the poor of Great Britain, came to Canada in 1817, where he and his wife owned land in the county of Oxford. Having studied the existing conditions in Upper Canada, he began to discuss them by writings and speeches in a manner that had not before been heard in the province. In his voluminous writings, he was careful to confine himself to statements of fact and to avoid exaggeration. He aroused public indignation to a high degree against the ruling party. The Compact decided on his destruction, and a criminal prosecution for libel followed. He was tried at Kingston after arrest, but found not guilty. He was arrested again on a similar charge, and tried and acquitted at Brockville. The prisoner conducted his own defence. The alleged libel occurred in two paragraphs of a petition

to the Prince Regent, drafted by Gourlay, and approved of, printed and published by sixteen residents of the Niagara district, six of whom were magistrates.

But matters were not to rest here. Perjured evidence was procured against him, and as members of the legislative council were permitted to set the law in motion under the Alien Act, William Dickson and William Claus, magistrates and members of the council, brought him to trial before themselves under the Act, and adjudged that he should leave the province within ten days. This order he refused to obey. "I resolved," he says, "to endure any hardship rather than to submit voluntarily." Thirteen days after, on January 4th, 1819, the same magistrates issued an order for commitment, under which he was arrested and confined in Niagara gaol until he could be tried at the next sittings of the court of general gaol delivery. Meantime, being brought before Chief Justice Powell on a writ of *habeas corpus*, affidavits of respectable persons were read declaring him to be a natural-born British subject, domiciled for the previous nine months at Queenston in Upper Canada, and affirming that he was respected and esteemed and that he had taken the oath of allegiance. But he was remanded to gaol to await trial.

"After two months confinement," he wrote, "in one of the cells of the gaol, my health began to suffer, and, on complaint of this, the liberty of

walking through the passages and sitting at the door was granted. This liberty prevented my getting worse the four succeeding months, although I never enjoyed a day's health but by the power of medicine. At the end of this period, I was again locked up in the cell, cut off from all conversation with my friends but through a hole in the door, while the jailor or under-sheriff watched what was said, and for some time both my attorney and magistrates of my acquaintance were denied admission to me. The Quarter Sessions were held soon after this severe and unconstitutional treatment commenced, and on these occasions it was the custom and duty of the grand jury to perambulate the gaol, and see that all was right with the prisoners. I prepared a memorial for their consideration, but on this occasion was not visited. I complained to a magistrate through the door, who promised to mention my case to the chairman of the Sessions, but the chairman of the Sessions happened to be the brother of one of those who had signed my commitment, and the court broke up without my obtaining the smallest relief. Exasperation of mind, now joined to the heat of the weather, which was excessive, rapidly wasted my health and impaired my faculties. I felt my memory sensibly affected, and could not connect my ideas through any length of reasoning but by writing, which many days I was wholly unfitted for by the violence of continual headache." The jury was irregularly drawn from "a line of nearly

twenty miles, along which it was well known that there was the greatest number of people prejudiced and influenced against me."[1]

After more than seven months confinement, Chief Justice Powell, on August 20th, 1819, proceeded with the trial, John Beverley Robinson acting as prosecuting attorney. No attempt was made to convict Gourlay of sedition; the only charge that was pressed against him was his refusal to leave the province. His condition, when brought into court, was that of a broken-down man bereft of reason, and though he had prepared a written defence, which he had in his pocket, he could not remember what he had done with it. He had obtained the opinion of several eminent English counsel that his imprisonment was wholly unjustifiable, and Sir Arthur Peggott was convinced that he should have been discharged under the writ of *habeas corpus*. He was found guilty—guilty of not having left the province. On being asked if he had anything to say why the sentence of the court should not be passed on him, he burst into a "loud, strident peal of unmeaning, maniacal laughter." The sentence of the court was that he must leave the province within twenty-four hours, and he was reminded of the risk he would run in disobeying, or in returning later to Upper Canada; that is to suffer death as a felon, without benefit of clergy. That day he crossed the Niagara River—an

[1] Gourlay's *Statistical Account of Upper Canada*. Gen. Int. xiii.

exile. "I thanked God," he wrote several years afterwards, "as I set my first foot on the American shore, that I trod on a land of freedom." Such were the methods adopted by the ruling faction in 1819 to put down public discussion.

The object of a convention which was held at York, in 1818, was to arrange for sending commissioners to England to bring before the imperial authorities the condition of the province, with a view to its amelioration. Colonel Beardley of Hamilton, the chairman, was tried by court-martial and deprived of his commission. Among the delegates, there were many who had shown their attachment to their sovereign during the War of 1812. The lands to which they were entitled, as bounty, were withheld from them on account of their presence at that assemblage. A very difficult and irritating question also arose of the state of the naturalization laws as they affected persons of British birth who had remained in the United States till after 1783, and then came to settle in the province. Of the post-office revenue, no account was given; and, in return for high rates of postage, the service was very indifferently performed.

With what opinions did the future leader of an insurrection, which it cost many millions of dollars to quell, set out? Was he a fierce Democrat, who had resolved, with malice prepense, to do all in his power to overthrow those monarchical institutions which had suffered gross abuse at the hands

of those to whom their working had been confided? No prospectus having gone forth as an *avant courrier* of the *Colonial Advocate*, the first number of the journal, which was in octavo form, was devoted chiefly to an exposition of the principles of the editor. The range of topics embraced was wide, and the tone of discussion, free from the bitterness that marked his later writing, was frank. A Calvinist in religion, proclaiming his belief in the Westminster Confession of Faith, and a Liberal in politics, yet was Mackenzie, at that time, no advocate of the voluntary principle. On the contrary, he lauded the British government for making a landed endowment of the Protestant clergy in the provinces, and was shocked at the report that, in 1812, voluntaryism had robbed three millions of people of all means of religious ordinances. "In no part of the constitution of the Canadas," he said, "is the wisdom of the British legislature more apparent than in its setting apart a portion of the country, while yet it remained a wilderness, for the support of religion." Mackenzie compared the setting apart of one-seventh of the public lands for religious purposes to a like dedication in the time of the Christians. But he objected that the revenues were monopolized by one Church, to which only a fraction of the population belonged. The envy of the non-recipient denominations made the favoured Church of England unpopular. Though this distribution of the revenues was manifestly in accordance

with the law creating the Reserves, the alteration of that law, if it should not meet the wishes of the people, had been contemplated and provided for by its framers. By this argument Mackenzie was easily brought to the conclusion "that Catholic and Protestant, Episcopalian and Presbyterian, Methodist and Baptist, Quaker and Tunker, deserve to share alike in the income of these lands;" and he expressed a hope that a law would be enacted "by which the ministers of every body of professing Christians, being British subjects, shall receive equal benefits from these Clergy Reserves." But this was not to be; for agitation on the question was to be directed to the abrogation, not the equal division, of these reservations.

On this question, the conservative character of Mackenzie's opinions was found to be out of harmony with the general sentiment, as it gradually unfolded itself, and his own opinions changed. As the subject was more discussed, he saw reason to change them. On another question—that of establishing a provincial university—he contended for a principle, the adoption of which would have prevented a great deal of subsequent difficulty. Cordially seconding the proposal of Dr. Strachan to establish such an institution, he predicted that it would attract but few students and not answer the purpose for which it was required "if tied down by tests and oaths to support particular dogmas." This warning was unheeded, and, for the reasons he had

given, the university had to be turned upside down a quarter of a century afterwards.

The executive government, the legislative council, the bench, the bar, the Church, all came in for a share of attention. Lieutenant-Governor Sir Peregrine Maitland, a son-in-law of the then governor-general of Canada, the fourth Duke of Richmond, was disadvantageously compared to De Witt Clinton, of the state of New York. The members of the executive, apparently for no sound reason, were described as "foreigners." The legislative council, a majority of whose members held offices under the Crown, and were even pluralists in a small way, were represented as being "always selected from the tools of servile power." The dependent position of the judges, being removable at the pleasure of the executive, was lamented. As for the Church which claimed to be the established religion of the country, its ministers were declared to be not of that class who endure persecution for conscience' sake. The bar was admitted to have four righteous members, and might, therefore, be considered to be in a hopeful condition.

In so many words, the young journalist volunteered a disclaimer, by way of anticipation, of being a Radical Reformer. He had joined no Spafield mobs. He had never benefited by the harangues of Hunt, Cobbett, or Watson. He was not even chargeable with being a follower of Gourlay, who had already rendered himself odious to the ruling

faction. With none of these sins was Mackenzie chargeable. And though he was a warm Reformer, he "never wished to see British America an appendage of the American union." American liberty was good, but British liberty was better. From the Americans we might learn something of the art of agriculture; but of government nothing. Yet our own system of cross-purposes required reformation. The proposed Union Bill of 1818 had been rightly rejected, and the only desirable union was one of all the British American colonies. The law of primogeniture was condemned.

Such were the views promulgated by the young journalist at the outset of his career. Yet, moderate and even conservative as they were on many points, an organ of the official party suggested that he should be banished from the province, and the whole edition seized. We look upon them now as being, for the most part, moderate and rational. The views which he expressed in reference to a provincial university, before it had been brought into existence, afterwards came in the shape of a reform, the fruit of a long and bitter controversy. Members of the legislature no longer hold subordinate offices, much less are they pluralists. The judges hold their offices for life, and are not removable at the pleasure of the executive. The executive council can only be composed of such men as can obtain the favour of a legislative majority. The Church of England, having no exclusive privileges and making no pre-

tensions to dominancy, no longer excites jealousy, envy, or hatred. All the provinces of British America have been united under one government. The right of primogeniture has been abolished, and intestate estates are equally distributed among the children. The mode of administering the government has been so revolutionized as to be equivalent to a complete change of system. The game of cross-purposes, of which Mackenzie complained, is no longer played between two branches of the legislature, or between the popular branch and the executive.

Something new under the sun had appeared in the newspaper world of Upper Canada. To official gazettes containing a little news, and semi-official sheets, which had the intense admiration of the ruling oligarchy, little York had previously been accustomed. To newspaper criticism, the executive had not been inured; and it was determined that the audacity of the new journal should be rebuked. In spite of all his protestations, Mackenzie was called upon to defend himself against an imputation of disloyalty; and, judging from his reply, he appears to have felt this as one of the most galling, and at the same time one of the most untrue, accusations that could have been made against him. A Mackenzie disloyal! In the annals of the whole clan no record of so unnatural a monster could be found. On June 10th, 1824, Mackenzie replied at great length. A part of this reply has already been given in the way

of family history; and the more material parts of the remainder must not be omitted.

"Had Mr. Fothergill not been pleased to accuse me in plain terms of democracy, disloyalty, and foul play, I should not have devoted so much of this number to party argument. It is necessary for me, however, when my good name is so unexpectedly and rudely assailed, in the first place, to deny, in plain and positive terms, such a charge; it will then accord with my duty, as well as with my inclination, to inquire how far he or any man is entitled, from any observations of mine, to advance such statements as appear in the official papers of the 27th ult. and 3rd instant.

"I consider it the bounden duty of every man who conducts a public newspaper, to endeavour to so regulate his own conduct in private life that the observations he may publicly make on the words and actions of others, may not lose their weight and influence on being contrasted with his own behaviour, whether as the head of a family or as an individual member of society. Were I a native of the village in which I now write, or of the district in which it is situated, the whole of my past life could be fairly referred to as a refutation, or as a corroboration, of what he has urged against me; but as that is not the case, this being only the fifth year of my residence in Canada, I must refer to that residence, and to such other circumstances as I may consider best calculated to do away with

the injurious impression that will be raised in the minds of those who do not know me, and who may, therefore, be unjustly biased by his erroneous statements. I will, in the first instance, refer to every page of the four numbers of the *Advocate* now before the public; I may ask every impartial reader, nay, I may even ask Mr. Robinson[1] himself (that is, if he has any judgment in such matters), whether they do not, in every line, speak the language of a free and independent British subject? I may ask whether I have not endeavoured, by every just means, to discourage the unprofitable, unsocial system of the local governments, so detrimental to British and colonial interests, and which has been productive of so much misery to these colonies? Whether I have not endeavoured to inculcate in all my readers that godlike maxim of the illustrious British patriot, Charles James Fox, that 'that government alone is strong that has the hearts of the people.'? It is true, my loyalty has not descended so low as to degenerate into a base, fawning, cringing servility. I may honour my sovereign, surely, and remember the ruler of my people with the respect that is due unto his name and rank, without allowing my deportment to be equally respectful and humble to His Majesty's butcher, or his baker, his barber, or his tailor! . . .

"It may be proper that I should for this once

[1] Then attorney-general.

add a few other reasons why disloyalty can never enter my breast; even the name I bear has in all ages proved talismanic, an insurmountable barrier. There are many persons in this very colony who have known me from infancy, so that what I may say there or here can easily be proved or disproved if it should ever become of consequence enough to deserve investigation. If Mr. Fothergill can find that any one who bears the name which, from both parents, I inherit, if he can find only one Mackenzie, and they are a very extensive clan, whether a relation of mine or otherwise, whether of patrician, or (as he terms me) of plebeian birth, who has ever deserted or proved disloyal to his sovereign in the hour of danger, even I will allow that he had the shadow of a reason for his false and slanderous imputations; but if in this research he fails, I hope, for the sake of truth and justice, for the honour of the Canadian press, for the sake of the respectability of that official journal of which he has the management, if not for mine which never wronged him, that he will instantly retract a charge, which, to say the least of it, is as foolish and groundless as the observations he has connected with it are vain and futile. Only think of the consequences which might result from owing allegiance to a foreign government; think that in a few short weeks, or it may be years, one might be called on, upon the sanctity of an oath, to wage war against all that from childhood upwards he had held most dear; to

go forth in battle array against the heritage of his ancestors, his kindred, his friends, and his acquaintances; to become instrumental in the subjugation, by fire and sword, to foreigners, of the fields, the cities, the mausoleums of his forefathers—aye, perhaps in the heat of battle, it might be his lot to plunge the deadly blade into the breast of a father, or a brother, or an only child. Surely this picture is not overcharged. In our days it stands on record as having been verified."

There is no reason, not even in the subsequent history of Mackenzie, to doubt the sincerity with which these protestations were made. Years after, in a letter to Lord Dalhousie, governor-in-chief, he went so far as to suggest the possible return to their allegiance to England of the United States, if it were once understood that the full rights of British subjects were to be conferred upon the colonies. And he constantly raised a warning voice to show the danger of a persistent refusal to give to colonists the full enjoyment of those rights. His nature had evidently to undergo a great change before he could become a leader of insurrection.

Mr. Fothergill does not appear to have shown any disposition to prolong the personal contest he had provoked; and he afterwards in the legislature became an advocate of the man he had at first made a personal antagonist. In December, 1826, we find him moving in the assembly that a small sum be paid to Mackenzie for the reports of the debates he

had published. This, he said, would help to draw attention in the proper quarter to our country. It was plain that newspapers which assumed anything like independence in their principles or feelings were, in Upper Canada, totally excluded from benefiting by any advertising over which the government had control. He thought the newspapers furnished, and the bills, resolutions, etc., reported by the editor of the *Advocate*, were fully as useful to the country, and as deserving of payment from the funds of the people, as were the proclamations for which the Kingston *Chronicle* received £45 the year before from the casual revenues of the Crown.

The motion for granting Mackenzie £37 16s. was carried; but the lieutenant-governor struck the item out of the contingencies, and it was not paid. Mr. Fothergill, having had experience of newspaper publishing, was no indifferent judge of the difficulties he described. The advance postage payment by the publishers on every weekly paper, for the yearly output, must have been next to a prohibition of newspapers; and we may be sure that they were regarded with no friendly eye by the government. While postage was exacted on Canadian newspapers in advance of their transmission, United States papers were allowed to come into the province without being prepaid, an anomaly characterized by Mackenzie as a premium upon democratic principles, and a not in-

effectual method of revolutionizing opinion in the Canadas.

A union of all the British American colonies had few earlier advocates than Mackenzie. In a letter to the Right Hon. George Canning, dated June 10th, 1824, he writes:—

. . . "A union of all the colonies, with a government suitably poised and modelled so as to have under its eye the resources of our whole territory, and having the means in its power to administer impartial justice in all its bounds, to no one part at the expense of another, would require few boons from Britain, and would advance her interests much more in a few years than the bare right of possession of a barren, uncultivated wilderness of lake and forest, with some three or four inhabitants to the square mile, can do in centuries. A colonial marine can only be created by a foreign trade aided by free and beneficial institutions; these, indeed, would create it as if by the wand of an enchanter. If that marine is not brought into being; if that trade, foreign and domestic, continues much longer shackled by supreme neglect, and by seven inferior sets of legislative bodies reigning like so many petty kings during the Saxon heptarchy, England may yet have cause to rue the day when she neglected to raise that only barrier or counterpoise to republican power which could in the end have best guarded and maintained her interests. . . .

"British members of parliament and political

writers who talk of giving the colonies complete independence now, either know not that our population and resources would prove very insufficient to preserve our freedom, were it menaced, or else they desire to see the sway of England's most formidable rival extended over the whole of the vast regions of the North American continent."

Nor was this a mere casual expression of opinion, for, on December 14th, 1826, his journal continued the advocacy of this measure under the head of "A Confederation of the British North American Colonies."

Some years before, the colonial department had had this union under consideration, and, in 1822, John Beverley Robinson, at the request of the imperial authorities, gave his opinions at length on a plan of union that had been proposed.[1] He thought he saw many advantages in such a union; but the imperial government appear to have entertained a fear that it would lead to the colonies combining against the mother country, a fear not entertained by Mr. Robinson. The question attracted some attention in Nova Scotia about the same time, and Thomas C. Haliburton wrote a pamphlet in which union was advocated.

In July, 1824, soon after Mackenzie had entered on the career of a journalist, a general election came on. The result, a majority opposed to the executive, there is no reason to believe was much

[1] *Canada and the Canada Bill,* 1840.

affected by his writings, since he had issued only a few numbers of his paper. There had been a great change in the *personnel* of the House. Only sixteen members of the previous assembly had been re-elected; there were twenty-six new members. In the new House the government was destined to be confronted by large majorities, even on their own measures, but the principle of executive responsibility was not acknowledged, and no question of ministerial resignation ever followed a defeat.

The House met on January 11th, 1825. As the session approached, Mackenzie saw reasons for removing his establishment to York, then the seat of the government for Upper Canada. A paper published at Queenston must necessarily reproduce stale accounts of the legislative proceedings. It was doubtful whether any newspaper, which had then been published in Upper Canada, had repaid the proprietor the cost of its production. Any publisher who sent a thousand sheets through the post-office must pay eight hundred dollars a year postage, quarterly in advance. Postmasters received nothing for distributing newspapers, and were accordingly careless about their delivery. Since 1821, Francis Collins had furnished the principal reports of the legislative debates; but it is in evidence that, up to 1827, the operation of publishing them had never been remunerative. The new House paid a reporter one hundred pounds for reporting during the session, the reports to be delivered to the

papers for publication, unless the committee on printing should exercise the arbitrary discretion of refusing to allow any particular report to be printed. While these reports were permitted to be published in the *Observer*, they refused to allow them to appear in the *Advocate*. The question came up in the House, and, although there was no decision upon it, the exclusion was not long maintained. The spite against the *Advocate* was carried to great lengths. During the ceremony of re-interring the remains of General Brock at Queenston Heights on September 13th, 1824, some person, in the absence of Mackenzie, put into a hole in the rock at the foundation of the monument a bottle, which he had filled with coins and newspapers, and among which was a single number of the *Advocate*. When the fact became known to the authorities, the foundation was ordered to be torn up and the obnoxious paper taken out, so that the ghost of the immortal warrior might not be disturbed by its presence, and the structure not be rendered insecure!

Adding a bookstore to his publishing house, Mackenzie at one time entertained the idea of relying principally on the printing of books, and the issuing of a political sheet occasionally. The *Advocate* had not indeed appeared with strict regularity, only twenty numbers having been published in six months. Some numbers had, after several weeks, been reprinted, and others continued to be asked for after they could be supplied. The last number

of the *Advocate* published at Queenston, bears date November 18th, 1824; and the first number printed in York appeared on the twenty-fifth of the same month. In January, 1825, its circulation was stated at eight hundred and thirty.

The first trial of party strength, if such the election of Speaker could be considered, seemed to indicate a pretty well-balanced House, the vote being twenty-one against nineteen; but, upon other questions, the government minority shrank to much smaller dimensions. John Willson, of Wentworth, had become the successor of Speaker Sherwood. The Reformers were in ecstasies. "The result of this election," said Mackenzie, "will gladden the heart, and sweeten the cup, of many a Canadian peasant in the midst of his toil." The advantage of such a victory must, however, be very small, under a condition of things which permitted the advisers of the sovereign's representative to keep their places in spite of a permanently hostile legislative majority. Not only were ministers not responsible to the House, they did not admit that they had any collective responsibility at all. The attorney-general said, in his place in the House, "he was at a loss to know what the learned member from Middlesex meant by a prime minister and a cabinet; there was no cabinet; he sat in that House to deliver his opinions on his own responsibility; he was under no out-door influence whatever."

All eyes were turned towards the governor; and,

as there was no responsible ministry to stand between him and public censure, the authority of the Crown, which he represented, could not fail to be weakened by the criticism of executive acts. The new House was described by Mackenzie as being chiefly composed of men who appeared to act from principle, and were indefatigable in the discharge of their duties.

The *Advocate*, at the end of a year after its commencement, had appeared forty-three times. The subscribers, who were accounted with at the rate of fifty-two numbers for a year, were warned that they must not expect any greater regularity in future. One year's experience had taught the proprietor that "the editor in Canada who, in the state the province was then in, will attempt freely to hazard an opinion on the merits and demerits of public men, woe be to him! By the implied consent of King, Lords and Commons, he is doomed to speedy shipwreck, unless a merciful Providence should open his eyes in time, and his good genius prompt him 'to hurl press and types to the bottom of Lake Ontario.'" In any event, the experiment must have been a hazardous one in a country where the population was scattered over a very wide extent of territory, and numbered only 157,541.

The one paper circulating among this population, which yielded a certain profit, was the *Upper Canada Gazette*. It became necessary for Mackenzie to notice a report that he had been offered the editor-

ship of this official paper in reversion. He showed the absurdity of the supposition that such an offer could be made to him who had opposed nearly all the measures of the government. Fothergill, the editor of the official paper, had joined the extreme Liberals on the alien question, contending that all Americans then in the country ought to have the full rights of British subjects conferred upon them by statute; and he had moved strong resolutions on the back of an inquiry into the mysteries of the post-office revenue, taking the ground that it was contrary to the Constitutional Act to withhold from the legislature an account of this revenue, or to deprive the House of the right of appropriating it. By this course, he had assisted in producing those numerous defeats which had fallen, one after another, with such irritating effect, upon the government. A man who did this could not long continue a special favourite of the government in those times; but that Mackenzie was ever thought of in connection with the editorship of the non-official part of the official *Gazette*, is out of the question. The ink of Fothergill's reported speech on the post-office question was scarcely dry when he was dismissed from the situation of King's Printer. He had not abused his trust by turning the paper, with the conduct of which he was charged, against the government, but he had ventured to confront a gross abuse in the assembly. That was his crime, and of that crime he paid the penalty. It was no doubt in-

convenient to have a King's Printer who, even in his legislative capacity, opposed himself to the government; but the fault lay in the system which permitted the incumbent of such an office to hold a seat in the legislature. The union of judicial and legislative powers in the hands of one person was a still greater evil; and though it might have been productive of far worse results, it was permitted to exist long after the period now referred to.

Free speech met small encouragement at the hands of the executive. Francis Collins, who had been the official reporter of the legislature for five years, commenced, in an evil hour, the publication of a newspaper, the *Canadian Freeman*, and in that year, 1825, the governor cut off his remuneration. He exhausted his means in the vain effort to report the debates at his own cost, and found himself embarrassed with debt.

About six weeks before his printing office was destroyed by a mob, Mackenzie drew a contrast between the life of an editor, in those days, and that of a farmer, in which a vast balance of advantage appeared in favour of the latter. The perpetuity of task-work involved in the conduct of even a weekly paper was felt to be such a drag that he became appalled at it; and for the moment he resolved to have done with politics and political newspapers. Writing of the *Advocate* he said: "I will carry it on as a literary and scientific work, will enrich its pages with the discoveries of eminent

men, and the improvements of distinguished artists; but from thenceforth nothing of a political or controversial character shall be allowed to appear in the *Journal of Agriculture, Manufactures and Commerce.*"

How long this resolution was kept cannot be determined; but the next number of his journal, which took the folio shape, was chiefly filled with a long review of the politics of the Upper Province. He gave an account of the effect of his two years' journalistic campaign, claiming to have largely assisted in producing a party revolution. Men were astonished at the temerity of his plain speaking; for, since Gourlay's banishment, the prudent had learned to put a bridle on their tongues. Timid lookers-on predicted, in their astonishment and with bated breath, that the fate of Gourlay would soon fall on Mackenzie and silence his criticisms. Nearly the whole press of the country was on his back; but, in spite of the rushing torrent of abuse, he kept the even tenor of his way, avoiding personalities as much as possible.

CHAPTER V

SILENCING THE PRESS

ONE fine summer evening, June 8th, 1826, a genteel mob composed of persons closely connected with the ruling faction walked into the office of the *Colonial Advocate* at York, and, in accordance with a preconcerted plan, set about the destruction of types and press. Three pages of the paper in type on the composing-stones, with a "form" of the journals of the House, were broken up, and the face of the letter battered. Some of the type was then thrown into the bay, to which the printing-office was contiguous; some of it was scattered on the floor of the office; more of it in the yard and in an adjacent garden. The composing-stone was thrown on the floor. A new cast-iron patent lever-press was broken. "Nothing was left standing," said an eye-witness, "not a thing." This scene took place in broad daylight, and it was said that one or two magistrates, who could not help witnessing it, never made the least attempt to put a stop to the outrage. The valiant type destroyers, who chose for the execution of their enterprise a day when Mackenzie was absent from the city, were most of them closely connected with the official party, which was then in a hopeless minority in the legislature, and had recently been exasperated by a succession of defeats.

Mr. Baby, inspector-general, was represented on the occasion by two sons, Charles and Raymond, students-at-law. Henry Sherwood, son of Mr. Justice Sherwood, who, while yet a law student, held the office of clerk of assize, gave his personal assistance. Mr. Lyons, confidential secretary of Governor Maitland, was there to perform his part. To save appearances, Sir Peregrine found it necessary to dismiss Lyons from his confidential situation; but he soon afterwards rewarded him with the more lucrative office of registrar of the Niagara district. Samuel Peters Jarvis, son-in-law of a late chief justice of the Court of Queen's Bench, performed his part, and found his reward in the appointment to an Indian commissionership. Charles Richardson, a student-at-law in the office of the attorney-general, showed his zeal for the cause of his official friends, and received in requital the office of clerk of the peace for the Niagara district. James King, another clerk of assize and student-at-law in Solicitor-General Boulton's office, did not hesitate to give his active assistance. Charles Heward, son of Colonel Heward, auditor-general of land patents and clerk of the peace, and Peter Macdougall, a merchant or shopkeeper in York and an intimate friend of Inspector-General Baby, complete the list of eight against whom the evidence, afterwards taken, was sufficiently strong for conviction. The whole number of persons concerned in the destruction of the

Advocate office was fifteen; and it is difficult to believe that this band of young men, subordinate officials and sons and relatives of the official party, could have planned in secret this outrage on the property of an obnoxious journalist, and executed it, without the knowledge of any of their superiors. The audacity of the rioters and the open connivance of leading officials who witnessed the scene with satisfaction, form an instructive comment on the state of society in the Family Compact of the little town of York, in the year of grace, 1826.

When it became certain that a verdict for damages would be obtained, and that a criminal prosecution might also be instituted, an offer was made through J. B. Macaulay (afterwards chief justice), solicitor for the culprits, "to pay at once the full value of the damage occasioned to the press and types, to be determined by indifferent and competent judges selected for that purpose." The letter containing this offer disavowed any desire on the part of "the gentlemen" to do an irreparable injury to the property, claimed credit for the attack having been made openly and with a full sense of its responsibility, and alleged that it was not prompted by malice, political feeling, or private animosity, but by "the personal calumnies of the later *Advocates*."[1] "This advance," it was

[1] "So far as the 'personal calumnies' were concerned, it is clear that Mr. Mackenzie did not begin them in the columns of his paper. . . . That he criticized official acts with a freedom and warmth to which the ruling class were unaccustomed, must be admitted. But he was gen-

said, "was in conformity with the original intention," and from no desire to withdraw the matter from a jury, in which event it was hoped there would be no attempts to prejudice the cause, nor any complaints of a reluctance to compensate, voluntarily, a damage merely pecuniary, although provoked by repeated assaults on private character not susceptible of adequate redress.

If the party who committed the violence had, from the first, intended to pay the damage they had done in the deliberate businesslike way indicated by Mr. Macaulay, it is surprising that some of them should have absconded in order to evade the consequences of their crime; but it is possible that they feared a criminal prosecution, and left their solicitor and friend, who had himself offered more provocation to criticism than any of them, to make a bargain that would save them from the gaol. The press-destroying mob were probably surprised at the indignation their achievement excited in the public mind; and in the beginning they endeavoured to stem the torrent by issuing two placards in justification. But Mackenzie had been guilty of no aggression to turn the tide of

erous enough to recognize the good qualities of his opponents, and, until they assailed him personally with a virulence nothing he had written could justify, he never assailed individual character; . . . and there is nothing to prove that, if he had been spared those bitter personal attacks, he would not have maintained his policy of moderation and forbearance." W. J. Rattray, *The Scot in British North America* (1881), Vol. ii, pp. 458, 459.

public feeling against him, and the experiment failed. It was not till after this that the above offer was made. The first proposal not being listened to, a second was made through the same medium, which met the same fate as the first; and, indeed, if there had been no object in making an example of the perpetrators of an outrage that reflected on all concerned, the amount offered as compensation was ridiculously inadequate. But Mackenzie refused any amicable settlement with Macaulay's clients and friends; and there was nothing left but to send the case to trial, and let a jury, upon the hearing of the evidence, award equitable, and, if they thought fit, exemplary damages.

Macaulay, in the first letter in which he proposed a settlement of the matter, assumes that the outrage was caused by "the personal calumnies of the later *Advocates*;" and it becomes necessary to see where the aggression commenced, and what degree of provocation the independent journalist had given to the official party by whose satellites the work of destruction had been done. Nothing is plainer, on an examination of the facts, than that, until violently provoked, Mackenzie had been exceedingly sparing of personalities, and from the first he had been anxious to avoid them altogether. In one of the earliest numbers of his journal, he said: "When I am reduced to personalities, I will bring the *Advocate* to a close." To the personal abuse of the government papers he made no per-

sonal reply, confining himself to complaining, in the spirit of injury, of the wrong which he suffered. Of these, Carey's *Observer* appears to have been, up to this time, the greatest offender. Between the personal and political character of the actors with whom he had to deal, Mackenzie observed a proper distinction. Of Governor Maitland he said that "he was religious, humane, and peaceable; and if his administration had hitherto produced little good to the country, it may not be his fault, but the fault of those about him who abused his confidence." J. B. Macaulay (afterwards Chief Justice of the Court of Common Pleas) he described—and he did it from a sense of duty—as a gentleman evincing "so much honour, probity, just feeling, and disinterested good-will," as generated, in the publicist's mind, "a greater degree of respect and esteem for the profession in general than we had before entertained." He expressed a desire to see his friend replace Mr. Justice Boulton on the bench. Upon this latter functionary he had been, at first, playfully sarcastic, comparing him to Sir Matthew Hale, and latterly severe; but it will not be denied that the judge had fairly laid himself open to criticism. While opposing the attorney-general of the day (afterwards Chief Justice Robinson), he did ample justice to his talents and his personal character:—

"Mr. Robinson has risen in my estimation, in regard to abilities, from what I have seen of him during this session; indeed, there are not a few of

his remarks which I have listened to with pleasure; and some of the propositions he has made in parliament, the road bill especially (with a few modifications), have my entire approbation. As a private gentleman, as a lawyer, and as a law-officer, he stands as high in the estimation of the country as any professional man in it. As a counsellor of State to the Emperor of Russia, or Napoleon Bonaparte, he might have figured to advantage; but his principles will, if not softened down, forever unfit him for a transatlantic popular assembly. He advocates, with singular force, those doctrines the repugnance to which un-colonized the thirteen United States; and every taunt which he utters against our republican neighbours tells in account against the interests of Great Britain, so far as these are united with this colony. It is evident that Mr. Robinson has not been long enough in the school of adversity to learn wisdom and discretion. He is a very young man, and I do hope and trust that, when the heat and violence of party spirit abate within him, he will yet prove a bright and lasting ornament to the land which gave him birth, and that the powers of his mind will be exerted to promote the happiness and welfare of all classes of his fellow-subjects."

Mackenzie had been severe upon Jonas Jones, but that gentleman had first set the example of using harsh terms. He had said in reply to a very able speech in the House of Assembly on the alien question, that the member (Dr. Rolph) who made

it had a "vile, democratic heart, and ought to be sent out of the province." If an appeal to the Sedition Act could silence an opponent, why take the trouble to refute his arguments? He had, moreover, used threats of personal violence against Mackenzie, and was, of course, open to severe retaliation. In the legislative assembly he had called Mr. Hamilton, the member for Wentworth, a "fellow," when a scene followed on which it was necessary to drop the curtain to hide it from the vulgar gaze of the public. Considering these circumstances in mitigation, it must be confessed that the criticisms upon Mr. Jones scarcely exceeded the bounds of merited and justifiable severity. To Henry John Boulton, Mackenzie had declared an absence of personal dislike in criticizing his public acts. Considering Dr. Rolph too severe in his strictures on the government, he had opposed him on that account, and a personal estrangement had been the consequence.

Such is the manner in which Mackenzie had treated his political opponents during the two years he had controlled a political journal; and it may easily be conceived how slender was the pretext, on the ground of provocation, for the destruction of his printing-office. I do not say that he had never applied to his opponents language of severity, but I do say that he was not the aggressor; that under the greatest provocations he had avoided personalities; and that, at the worst, he had not

proceeded to anything like the extremity to which his assailants had gone; and this not for the want of materials to work upon.

In the meanwhile, how were his political adversaries bearing themselves towards Mackenzie? Macaulay had gone to the unwarrantable length of violating the seal of secrecy and publishing private letters addressed to him by Mackenzie, though there was not, in the conduct of the latter, the shadow of excuse for this outrage. Macaulay was now a member of the executive council, and Mackenzie, who had previously praised him, had hinted that he was not as independent as formerly; but this was in a private letter. The cause of the quarrel was utterly contemptible, and Macaulay showed to great disadvantage in it. A disagreement had taken place between the Rev. Dr. Strachan, then rector of York, and one John Fenton, who had officiated as clerk under the rector. Mackenzie, being in Niagara, learned that Mr. Radcliffe had received a letter from Mr. Fenton in which the latter stated his intention of publishing a pamphlet on the state of the congregation in York. Meanwhile Mr. Fenton was reinstated in his position. Accordingly, a paragraph was inserted in the *Advocate* which certainly left the impression that a fear of the threatened pamphlet had led to the reinstatement of Fenton with an increased salary. It is possible that the insinuation was not just; and yet this could not be said if there was no

mistake about the alleged facts on which it was founded. It was not denied that Mr. Fenton had been reinstated, but it was alleged that his salary was increased; and Mackenzie certainly had what seemed to be good authority for stating that the publication of a pamphlet had been announced. This was the only statement in dispute, and if it was not proved, it certainly was not disproved. Mr. Radcliffe might have been asked to write a note stating that he had not received such a letter from Mr. Fenton, and that would have settled the matter. Macaulay was one of the church-wardens, and, after the lapse of three weeks, he wrote to deny the statement that a pamphlet had been threatened, and that Mr. Fenton's reinstatement carried with it any increase of salary. His letter was sent to the *Advocate* for publication, and after it was in type he wrote to recall it, not because the matter had assumed a new shape, but because Mr. Fenton had written a denial of that part of the paragraph[1]

[1] The paragraph was in these words:—"Had the church-warden confined his remarks to his fellow functionary 'the clerk,' we would most readily have distributed the types of his letter yesterday, as he requested. But the tone he has seen fit to assume towards ourselves is not to be borne. There was a time when we looked upon *that church-warden* as one who would become the most open, manly, and independent of his class, but it has gone by. We prized his talents, his abilities, and his judgment far too high; and the tenor of his railing accusation against us will show the province that he has not improved the style of his compositions since he left off studying Byron. The church-warden, who is not one of our subscribers, will find to-morrow that, even to him, we shall not meanly truckle, nor shall we to any man, although the blackest poverty on earth should be our reward."

which related to the pamphlet. Mackenzie, on account of the offensive attitude the writer had assumed towards him, refused to cancel the letter to which Macaulay had appended, not his own signature, but the *nom de plume* of "A Churchwarden," and the few lines in which Mackenzie explained his refusal to comply with the request of a person who he thought had forfeited all claim to his indulgence, contain the whole extent of the provocation he gave to Macaulay. The latter must have been in an uncontrollable rage before he brought himself to publish the private letters addressed to him by Mackenzie on the subject of the Fenton affair, and to make jeering remarks in reference to Mackenzie's mother, an aged woman of seventy-five years. But he did not stop there; he sent the manuscript, into which he had condensed his rage, to Mackenzie, with an offer to pay him for its publication in the *Advocate*, a paper which he declared his intention to do all in his power to crush. One of his advertisements, a little less libellous than the rest, would have been published; but, the money being demanded in advance, Macaulay refused to redeem his promise, and pretended to have a right to insist on its publication without the payment he had at first offered. He taunted Mackenzie with his poverty, and with what he called "changing his trade," and advised him to "try to deserve the charity" of the public a little better than previously, if he expected to support his

mother and his family by the publication of a newspaper; as if it were asking charity to publish a public journal at the usual price, and a crime for a man to support a mother who was too aged and too helpless to support herself.[1] Without even mentioning him by name, Mackenzie had described Macaulay as a man whom he had ceased to look upon as possessing manly independence; and, in return, this member of the government claimed a right to have published in the *Advocate* letters containing gross personal abuse of its editor and ridicule of his aged mother. To these letters he had not the manliness to append his name; if he had, he was aware that their virulence would not have prevented their publication, for in that case the writer would have placed himself, as well as his antagonist,

[1] This piece of insolence was founded on the following passage in a private letter addressed by Mackenzie to Macaulay: "As to the motives and character of my journal, let its unexampled circulation among the better classes in the colony speak for me. As to the result—I feel that I mean to do right—I am well satisfied that I am doing good, and, though I have to struggle with a slender capital, and a government who make the public advertising subservient to other purposes than that of giving general information of the thing advertised, I am well pleased and contented to struggle along through life as free as the air on the Scottish mountains; yea, and more so than the most voluptuous courtier can be, even in his most joyous hours. If I am enabled to maintain my old mother, my wife and family, and keep out of the hands of the law for debt, I care not for wealth, and should as willingly leave this earthly scene not worth a groat as if I were worth thousands. I one day thought I should have wished to have seen you member of the legislature for York, and that you would have become a useful and truly independent representative of the people. It was not to be, however. I greatly mistook your views, which, situated as you now are, are not likely to become more liberal."

upon trial before the public; and every one who read them, in connection with the comments they must have provoked, would have been able to judge of the spirit in which they were conceived and the justice of their contents. The right to compel the editor to publish anonymous communications, which Macaulay had claimed, was wholly without foundation; and as for courtesy to such a correspondent it was out of the question. But it is useless to reason upon the acts of a man who had permitted passion so completely to get the mastery over his judgment.

I have gone fully into the provocation offered by Macaulay, because it was in reply to a pamphlet in which he embodied all this venom, that Mackenzie told some stories about certain members of the Family Compact that he never would have put into print if he had not been provoked beyond endurance. If, in striking back, a few blows fell upon Macaulay's official associates who had not joined openly in the provocation, and Mackenzie exceeded the bounds of strict retaliatory justice, it must be remembered that the connection between all the sections of the Family Compact was very close, and that when the last word of defiance has been hurled at a man, he is not to be bound by a very rigid etiquette if he finds it necessary to "carry the war into Africa." But the reply, calmly viewed at this distant day, so far as it affected Macaulay, appears mild and playful beside the savagery of the

unprovoked attack; I say unprovoked, because it does not exceed the bounds of fair or ordinary criticism to tell a political opponent that you have ceased to see in him a person possessed of manly independence. At the same time it must be confessed that some of Macaulay's friends came in for knocks which there is no public evidence of their having merited at Mackenzie's hands; and it would have been better if he had confined the punishment he was well entitled to inflict to the man who alone had raised a hand to strike him down.

Macaulay's libel did not produce the effect intended. The object, it is plain enough, was to provoke Mackenzie into the use of language for which he might be prosecuted, and either banished, like Gourlay, or shut up in a prison. But Mackenzie was too wary to be caught in this clumsy trap; and his reply, instead of retorting rage for rage, was playfully sarcastic and keenly incisive. The dialogue form was adopted, the speakers being a congress of fifteen contributors to the *Advocate*, who purported to have assembled in the blue parlor of Mr. McDonnell of Glengarry, at York. Patrick Swift, nephew of the immortal dean, who had inherited a share of his uncle's sarcasm, was a prominent actor, and infused his playful spirit into the other contributors. Over a huge bowl of punch, toasts are drunk, tales told, songs sung, and politics discussed. "Lawyer Macaulay" was "the knight of the rueful countenance;" and it was hinted by one

of the wits that even he had family reasons for not scoffing at persons for "changing their trade."

Mackenzie's enemies were furious. He had stung them to the quick; but he had dealt with matters to which it would not be desirable to give additional notoriety by making them subjects of prosecution. Truth might, legally speaking, be a libel, but there are unpleasant truths, which, though it be illegal to tell, cannot well be made a ground of action. Juries might be obstinate and refuse to convict a writer, who, after unbearable provocation, had been stung into telling unpleasant facts, a little dressed up or exaggerated though they may have been to give effect to their narration. It was clear that Mackenzie could not be banished for sedition. He could not even be tried under the Sedition Act, having been some years in the province; and he had neither spoken nor published anything of a seditious nature. What then remained? The sole resource of violence; and violence was used; the office of the *Advocate* was destroyed by a mob consisting of persons who bore suspiciously close relations to the government.

The trial came off at York, in the then new court-house, in 1826. The defendants had elected to have a special jury. Of the twelve jurors who were to try the case, nine resided in the country, and only three in York. Chief Justice Campbell was the presiding judge; and by his side sat, as associate magistrates, the Hon. William Allan and

Alexander McDonnell. Both sides were well provided with able counsel. For the plaintiff, appeared the younger Bidwell and Stewart and Small; for the defendants, Macaulay and Hagerman. It was shown that the Hon. Mr. Allan, who played the part of associate justice on the trial, had been in conversation with Colonel Heward, whose son was among the desperadoes, at a point where they must have witnessed the whole scene. Though they were both magistrates, neither of them attempted to remonstrate with the defendants, nor to induce them to desist. The defendants called no witnesses; and Hagerman, in addressing the jury on their behalf, assailed the *Advocate;* but he did not venture to read the objectionable matter to the jury. Without a tittle of evidence to support his assertion, and in the teeth of well-known facts, he stated that Mackenzie had left York at the time his printing materials were destroyed to evade the payment of his debts.

After a trial which lasted two days, it seemed very unlikely that the jury would agree, for they remained out for thirty-two hours. During all this time, various amounts of damages had been discussed. Sums varying from £2,000 to £150 had found favour with different jurors; but the real difficulty was with one man—a George Shaw—who tried to starve his fellow-jurors into compliance with a verdict giving £150 damages; but, finding this impracticable, he at last gave way. Mr.

Rutherford, the foreman, named £625 and costs, and the amount was agreed to by all the jurors. Referring to the result of the trial, soon after, Mackenzie said: "That verdict re-established on a permanent footing the *Advocate* press, because it enabled me to perform my engagements without disposing of my real property; and although it has several times been my wish to retire from the active duties of the press into the quiet paths of private life, I have had a presentiment that I shall yet be able to evince my gratitude to the country which, in my utmost need, rescued me from utter ruin and destruction." The money was raised by subscription, the political friends of the press-destroyers feeling in duty bound to bear harmless the eight volunteers who had performed the rough task of attempting to silence, by an act of violence, an obnoxious newspaper.

There remained the question of a criminal prosecution. Mackenzie, being called before the grand jury, declined to make any complaint; but the matter was not allowed to rest. Francis Collins, having been proceeded against criminally by the attorney-general for four libels in April, 1828, retaliated upon the party of his accusers. On information laid by him, seven of the defendants, who had been cast in civil damages for the destruction of the *Advocate* office, were tried for riot. This proceeding, being of a retaliatory nature and taken against the wishes of Mackenzie, was not looked

on with much favour; and though the defendants were found guilty, they were let off with nominal damages.

Though the trial of Collins was not proceeded with, the government paper announced that it had not been abandoned; and it came on at the next assizes. Nor had the end of other judicial retaliations been reached. Mackenzie was not to escape; and yet he deserved some consideration at the hands of the official party. When called as a witness in the type riot prosecution, which he had refused to originate, he said he had no desire to prosecute the rioters against whom civil damages had been obtained; and he expressed a hope that they would receive only nominal punishment. His suggestion had been acted upon. But all this did not avail at a time when Collins was proceeded against for four libels in Upper Canada, and Mr. Neilson for an equal number in Lower Canada.

Before the trials for libel could come on, an event occurred, in the removal of Judge Willis, which was not calculated to inspire the defendants with confidence in the impartial administration of justice. If the local executive suspended a judge because his interpretation of the law did not accord with their views, the power of the executive in political prosecutions could not but be regarded as a source of danger to public liberty. Mr. Willis had only received his appointment on October 11th, 1827; and, on the sixth of the following June, he

was suspended until the pleasure of His Majesty's imperial government should be known. On a previous occasion, far from bending to the influence of power, he had undertaken to teach the attorney-general his duty. In the Hilary term then past, Mr. Justice Willis had taken his seat on the bench beside Chief Justice Campbell and Mr. Justice Sherwood; and differences of opinion on points of great legal importance had arisen among them. Before the following Easter term, the chief justice had obtained leave of absence; and the differences of opinion between the remaining two judges, Willis and Sherwood, were carried to such a length as to excite public attention. Under these circumstances, Judge Willis directed his special attention to the constitution of the court; and he found that the statute creating this tribunal provided "that His Majesty's chief justice, together with two puisne judges, shall preside in the said court." Considering the court illegally constituted without three judges, he refused to sit with Mr. Justice Sherwood as his only colleague, when, according to his reading of the law, there ought to be another. Sometime before Trinity term, it came to the knowledge of the provincial government that Mr. Justice Willis had come to this conclusion. When the opportunity presented itself, he delivered his opinion at length on the subject. Having dealt with the question of what was required, under the provincial statute, to constitute a legal Court of

King's Bench, he touched upon the cause of the legal inefficiency of that tribunal. The chief justice had obtained leave of absence; but he had obtained it from the lieutenant-governor alone, while Mr. Willis contended that the consent of the governor-in-council was necessary.

The opponents of Mr. Justice Willis accused him of showing temper in the delivery of his opinion; but the accusation, when sifted, was found to be groundless. A committee of the assembly, of which Dr. Baldwin was chairman, reported that they had "particularly inquired into this matter," and had come to the conclusion "that to the public eye and ear, the manner and language of Mr. Justice Willis, on the occasion of so expressing his opinion on the bench, relative to the defective state of the court, in no respect departed from the gravity and dignity becoming him as a judge; and peculiar malevolence alone could represent it otherwise." The evidence fully bore out this statement. "When Mr. Justice Willis delivered his opinion," Mr. Carey told the committee, "his conduct was dignified and honourable." [1]

When Mr. Justice Willis had concluded his opinion, an unseemly spectacle took place. Mr. Justice Sherwood ordered the clerk to adjourn the court. Mr. Justice Willis replied that it was impossible to

[1] Mr. Carey was editor of the York *Observer*, and had long been a firm supporter of the government; but at this time he was wavering in his allegiance.

adjourn what did not exist; there was no legal court. Mr. Sherwood rejoined: "You have given your opinion: I have a right to mine, and I shall order the court to be adjourned." "He spoke," said Mr. Carey, "apparently under great irritation." Mr. Justice Willis bowed and withdrew, the clerk obeying the order of the remaining judge.

A difficulty that had occurred between Mr. Justice Willis and Attorney-General Robinson, on a previous occasion, was also made a subject of inquiry before the parliamentary committee; and Mr. Carey, in his evidence, stated that so far as manner was concerned, the only thing to complain of in the judge was his too great lenity in the presence of the treatment he received.

Dr. Baldwin, Robert Baldwin, and John Rolph, practising barristers, entered a protest against the legality of the court when it had been constituted with two judges, giving at length their reasons for agreeing with Judge Willis that, in order to a legal constitution of the court, there must be three judges. A petition, which the Duke of Wellington thought deserved no particular notice, bearing the signatures of thousands of Upper Canadians, in favour of the independence of the judiciary and sustaining the position of Judge Willis, was sent to the king and the two Houses of Parliament. The law point was finally decided by the Privy Council adversely to the views of Mr. Justice Willis, whose removal was thereupon ratified by the imperial government.

It was now certain that the juries who might try the libel cases would not be directed by Mr. Justice Willis, but by some one whose affinity to the prosecutors was undoubted. Soon after the commencement of the York assizes, which opened on October 12th, 1828, the libel prosecutions against Collins came on. Of the libel upon the attorney-general, he was found guilty, and sentenced by Mr. Hagerman —who had temporarily gone upon the bench, leaving the Kingston collectorship of customs to take care of itself—to be imprisoned for twelve months in the York gaol, and to pay a fine of £50. The libel consisted of imputing "native malignancy" to the attorney-general, and of stigmatizing as "an open and palpable falsehood" a statement made by that functionary in open court.

It is not necessary to raise the question whether such libels as these ought to have been met by criminal prosecutions. But, if it was the duty of the attorney-general to prosecute Collins, it was also his duty to prosecute others connected with the government press, who had used fully as great a latitude of expression. One of these writers[1] had stigmatized several members of the legislative assembly as "besotted fools," actuated by no other feeling than malice, to gratify which they paid no regard to truth or decency. Addressing a single member, the same writer informed him, "There are no bounds to your malice;" and the whole

[1] Kingston *Chronicle.*

House was described as an "intolerable nuisance." "The poison of your malignant disposition," also made use of, was an expression fully as offensive as "native malignancy." If it was the duty of the attorney-general to prosecute for the use of such language, he was bound to perform that duty impartially, and was not entitled, in fairness, to single out opponents for victims, while the offences of political friends were overlooked.

A public subscription was raised to pay the amount of the fine; public meetings were held and committees formed to take the case of Collins into consideration. At a later period, the House interposed in behalf of Collins, but they failed to change the determination of the executive to keep him in close confinement for the whole of the prescribed term of his sentence. Sir John Colborne thought himself entitled to snub the House for their interference, by expressing extreme regret at the course they had taken. He forgot that the sovereign whom he represented was the fountain of mercy, and thought only of his obligation to carry a rigorous and cruel sentence into effect.

The threatened prosecution of Mackenzie for an alleged political libel had been kept suspended over his head for nearly a year. For some reason, however, the executive resolved to abandon the prosecution, and two days before the date fixed for the striking of the special jury, the attorney-general addressed a note to Mr. R. B. Sullivan, who acted

for Mackenzie, stating the conclusion that had been arrived at. The alleged libel, of which the prosecution was thus abandoned, was purely political. It was neither more nor less than a recommendation to certain constituencies to change their representatives at the next ensuing general election; and was expressed in language that must be admitted to have been very strong, but also very general, why this should be done. The report of a committee of the House, on which the paragraph was founded, contained more serious accusations than the alleged libel itself. This committee, of which Mr. Beardsley was chairman, reported, among other things, "that some of the most daring outrages against the peace of the community have passed unprosecuted, and that the persons guilty have, from their connections in high life, been promoted to the most important offices of honour, trust, and emolument, in the local government."

Violence is a blindfolded demon, more likely to defeat its own objects than to attain them. The means taken to crush a public journal, obnoxious to the ruling faction, proved the cause of its resuscitation and firm establishment. At the very time when the press was broken and the type thrown into the bay, the last number of the *Advocate* had been issued. Macaulay could not have made a worse selection of the time for attempting to strike Mackenzie down. The latter seriously contemplated retiring from political discussions, and prudence

might have suggested that he should be allowed to depart in peace. The publication, burthened as it was with a postal tax payable in advance, and addressing itself to a small scattered community, had never repaid the expenditure necessary to sustain it. What means its proprietor had made in trade were soon dissipated on the literary speculation. His property, real and personal, was worth twice the amount of his debts; but he was embarrassed for ready money, threatened with *capias* by one creditor, and thoroughly disheartened. From these embarrassments he resolved to free himself. With the consent of Mr. Tannahill, his principal creditor, Mackenzie went to Lewiston, in order to prevent the accumulation of law costs, till his affairs could be settled. Besides, his health was broken; and he had sometime before been thrown into a fever by the vexation he had suffered. His eldest daughter had died, and another member of his family was ill. Under these circumstances, it is not surprising that he should have sighed for that repose which journalism had interrupted in the first instance, and of which it still continued to prevent the return. But, while he loved repose, he had not been able to resist the excitement of the semi-public life of the journalist, who already dreamed of the overthrow of an administration and the reform of the oligarchical system then in operation. He who repiningly compared his own toils to the quiet life of the farmer,

would sit up whole nights, labouring assiduously to accomplish political ends. Though he could be a child among his children, and was never so happy as when he joined in their play, he would frequently consume two consecutive nights in the patient but exhausting labour of the pen.

While living at Queenston, Mackenzie became acquainted with Robert Randal, a Virginian by birth (and a near relative of John Randolph of Roanoke), who had come to this province as a settler, and was then living at Chippewa. Randal was a politician, and it is probable that his influence on Mackenzie first led him into politics. He was a man who, with a keen eye to the future, selected land at different places where future towns were certain to spring up. He became entangled in lawsuits involving property to a very large amount; and in one way and another was cruelly victimized. His lawyers played him false; and the officers of the law conspired to defraud him. He was involved in pecuniary embarrassments, and was charged with perjury for swearing to a qualification which, based on a long list of properties the ownership of some of which litigation had rendered doubtful, was declared to be bad. Mackenzie took his part, and, when Randal died, he bequeathed a share of his property to the man who had in some sort been his protector. The connection produced its effect upon Mackenzie for life.

AIDS THE CAUSE OF THE ALIENS

In the spring of 1827, Mackenzie raised the question of sending to England an agent to plead with the British government the cause of the American-born aliens in Canada. A petition, said to have been signed by fifteen thousand persons, was ready to be carried to England. A central committee, charged with the protection of the rights of the aliens, met at Mackenzie's house, and he acted as its confidential secretary. This committee offered the mission to Dr. Rolph, who declined acceptance. The question was then between Fothergill and Randal; Mackenzie, favouring the appointment of the latter, carried his point. Randal was in the position of the persons whose cause he had to plead. On behalf of the committee, the delegate's instructions were drawn up by Mackenzie; and the committee having advanced a sum for his expenses, part of which had been raised by subscription, Randal set off for London in the month of March.

In order to smooth the way for the delegate in England, Mackenzie addressed letters to the Earl of Dalhousie, governor-in-chief, surcharged with expressions of loyalty, and recommending colonial representation in the imperial parliament. It is worthy of note that the first of these letters contains several extracts from American authorities predicting a dissolution of the federal union. After giving these extracts, the writer asks: "And is this the government, and are these the people, whose

alliance and intimacy we ought to court instead of those of England? No, my lord; their constitutional theory is defective, and their practice necessarily inconsistent. Their government wants consolidation; let us take warning by their example."

There were in the province a large number of persons, who, though born in British colonies, had, by the progress of events, and the effect of the laws resulting from those events, lost the legal quality and privileges of British subjects. All who were born in the old American colonies, and had continued to live there till after the peace of 1783, became, on September 3rd. of that year, by the Treaty of Independence, citizens of the United States. They therefore, by that fact, ceased to be British subjects. Both American and English law courts agreed as to the effect of the treaty upon the nationality of those who resided in the United States at the peace of 1783. The results were disastrous. Persons who had made immense sacrifices by adhering to the British standard during the Revolutionary War, lost, in some cases, large amounts of property, in consequence of their inability to inherit as British subjects.

By a British statute passed in 1790, a seven years' residence, the taking of the oath of allegiance, the observance of the sacrament of the Lord's Supper, according to the usages of the Protestant Church, and of other formalities, granted all aliens who came to the colonies the

rights of British subjects with certain reservations. But they could not become members of the Privy Council or of parliament;[1] they were incapacitated from holding any position of trust, civil or military, in the United Kingdom or Ireland; and they could not accept any grant of land from the Crown. The provisions of this statute were hardly ever complied with by alien emigrants from the United States. Men whose industry had cleared the country of forests, who had carried civilization into the wilds of the west and assisted in repelling invasion, found themselves aliens, without any legal security for their property.

Whatever might be the effect of a narrow or rigid construction of the Alien Law upon these persons, they had not hitherto received the treatment of aliens. They had received grants of land from the Crown and devised real property; some of them had held offices of trust in the militia, and spilt their blood in defence of the country in which they were now to be denied the rights of citizens, except upon conditions which they regarded as degrading. It was not to be expected that a man who had fought beside the gallant Brock would feel complimented if asked to take the oath of allegiance. The recent decision of the Court of King's Bench, in England, in the Ludlow case, created uneasiness, alarm and indignation. After

[1] In May, 1826, an Imperial Act was passed to render naturalized foreigners capable of sitting in the legislature of Upper Canada.

much correspondence with the lieutenant-governors on the subject, the imperial government sent instructions to Sir Peregrine Maitland to cause a bill to be introduced into the legislature by which all the rights of British subjects could be conferred upon the aliens in the province. The bill passed the legislative council, whose members owed their nomination to the Crown, in the session of 1826; but when it was sent down to the assembly, it met an equal amount of opposition and support on two several divisions. The House was equally divided for a whole week; and the bill, after being five times negatived by the casting vote of the Speaker, was at length irregularly passed. Though the division of numbers was so long equal, the majority of the members who spoke opposed those provisions which required all persons placed in the category of aliens by the recent judicial decision, to remedy their former neglect by complying with the prescribed formalities.

The bill passed by the legislature was of a nature which rendered necessary its reservation for the signification of the royal pleasure. To prevent the royal assent being given to it, Randal had been selected to bear the petition of some thousands of the persons whom it affected. His success was complete. Another bill, framed in conformity with the royal instructions, which Randal's exertions had procured, was introduced into the Upper Canada assembly by Bidwell, a prominent member

of the opposition, and carried. It invested with the quality of British subjects all residents of the province who had received grants of land from the Crown or held public office, as well as their children and remote descendants; all settled residents who had taken up their abode before the year 1820, their descendants to have the right to inherit in case the parents were dead; all persons resident in the province on March 1st, 1828, on taking the oath of allegiance after seven years' residence in some part of His Majesty's dominions. It was also provided that no person of the age of sixteen, on May 26th, 1826, should be debarred from inheriting property on account of its descent from an alien.

The success of Randal's mission to England had a material effect upon Mackenzie; for, ever after, except a few years about the period of the rebellion, he believed in the specific of an appeal to the imperial government. His own subsequent visit to the colonial office, and its success, confirmed an opinion which he cherished to the day of his death.

At no time does Mackenzie appear to have been a very strong partisan. Not that his views and position were not decided. He was strongly opposed to the ruling minority; but he was very far from having unbounded confidence in the majority of the assembly. Of the leaders of the opposition, Rolph and Bidwell, he sometimes spoke in sharp terms of condemnation, showing that he was under no sort

of party control or leadership. When reminded by one of his own political friends in the House that certain petitions laid before the legislature were not privileged communications, that an action for libel would lie if they contained what the law regarded as libellous matter and were reprinted in a newspaper, his reply was that he intended to publish both the petitions in question in the next number of his paper, a promise which was faithfully kept.

CHAPTER VI

ENTERS PARLIAMENT

BEFORE the commencement of 1828, Mackenzie was a declared candidate for a seat in the next House of Assembly; and it is not impossible that he already aimed at attaining to the leadership. Speaking of this House as a body, in a letter to Earl Dalhousie, he said: "Many of these legislators are qualified to sign their names; but, as to framing and carrying through a bill on any subject whatever, the half of them wisely never attempted such a herculean task." And in the same letter he expressed undisguised contempt for the whole sham of colonial legislatures then in vogue. "I have long been satisfied," he said, "that if the North American colonies were rid of these inferior and subordinate legislatures, which are, and must ever be, insufficient for the purposes for which they were intended, and allowed instead a due weight in both branches of the British parliament, it would prove the foundation of their permanent and true happiness." The difficulty was that these representative assemblies were mocked with a semblance of that legislative power with the substantial possession of which they were never endowed. Even the Reformers had only an imperfect conception of the true remedy. The

ministry might be subjected to a succession of defeats in the assembly without raising a question of resignation; and the Reform journals very seldom undertook to deal with the question of ministerial responsibility. Mackenzie was the "advocate of such a change in the mode of administering the government as would give the people an effectual control over the actions of their representatives, and through them over the actions of the executive." Most of those who essayed to effect reforms, contented themselves with encountering abuses in detail, a mode of warfare which left untouched a radically defective system of administration.

When we look back upon the system that existed, the mind is filled with astonishment that it should have enjoyed such comparative immunity from attack. A party triumph at the polls carried hardly any of the advantages of victory into the legislature. The members of the executive belonged to the minority. The majority might pass bills in the assembly, but, unless they pleased the ruling party, they were rejected by the Crown-nominated chamber. There was no general separation of legislative and judicial functions; and when the assembly, in 1826, addressed the imperial government to remove the chief justice from the sphere of politics, the answer was that the governor had profited greatly by his advice, and that there was nothing in the circumstances of the colony to render a change of system desirable. The judiciary

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of litigation, prosperous in my business, in good health, and owing very few debts, I have applied to the people of the most populous county in Upper Canada for the highest honour in their gift, the surest token of their esteem and confidence."

Having once resolved to seek a seat in the legislature of his adopted country, Mackenzie waited for no deputations to solicit him to become a candidate; he submitted his claims to no clique of election managers, and heeded not their voluntary resolves. Months before the election was to take place, he issued an address to the electors of the county of York. James E. Small had been Mackenzie's solicitor in the famous type case; but he was astonished at the temerity of his late client in venturing, unasked, to declare himself a candidate for the representation of the most populous county in Upper Canada. It so happened that Small was to be a candidate for the same county. Jesse Ketchum and William Roe were the choice of a convention, but Mackenzie declared himself a candidate and thus announced himself:—

"I have attended two public meetings, but it is not my intention to go to any more until I meet the people at the hustings; it is a needless waste of time, and benefits nobody but the tavern-keeper. If I go into the legislature, it must be in my own way, or not at all. For I mean to break through all the old established usages, to keep no

open houses, administer to the wants of no publican, hire no vehicles to trundle freemen to the hustings to serve themselves, nor to court the favour of those leading men who have so powerfully influenced former elections. I will not lessen my own resources for maintaining independence by spending at the outset, as was done by others four years ago, a sum sufficient to maintain my large household for a twelvemonth; but, if I shall become one of the stewards of the province, I hope I shall be found not only faithful, but also fully competent to discharge the duties of a representative in such a way as ought to secure for me the confidence of an intelligent community." His first election cost £500.

Opposed by the administration and its organs from political reasons, Mackenzie's candidature was contested even by professed Liberal journals, from a business jealousy that derived its venom from the circumstance of his own paper having a circulation larger than any rival in Upper Canada. Assailed by every newspaper in York, except his own; libelled in pamphlets, and slandered in posters, he pursued the even tenor of his way, and managed to find time for the preparation of electioneering documents calculated to influence not merely the county of York but the whole province. The result showed that Small had miscalculated the relative influence of himself and his opponent. Ketchum and Mackenzie were elected.

EVENTS OF HIS FIRST SESSION

The first session in which Mackenzie had a seat in the legislative assembly opened inauspiciously for the advisers by whom Sir John Colborne was surrounded. Having been convened on January 8th, 1829, it soon gave proof of its hostility to the administration. The vote on the speakership, which stood twenty-one for Willson, the late Speaker, and twenty-four for Bidwell, did not at all indicate the strength of parties; for, while Willson received the support of the government, the division showed that he still retained many friends among the opposition. The address in reply to the speech from the throne, founded on resolutions framed by Rolph and containing the strongest expressions of a want of confidence in the advisers of the governor, was carried with the nearest possible approach to unanimity: thirty-seven against one. In those days a unanimous vote of censure on the governor's advisers produced no change of ministry. The assembly complained of the government, when they ought to have struck a blow at the system which rendered it possible for a party, who could command only a small minority in the popular branch of the legislature, to continue their grasp on the reins of power. Such was the House in which Mackenzie first held a seat; such the practice of the government when he first entered public life.

During this session an event occurred that brought him into collision with two members of

the legislature who were afterwards active in his expulsion from the House. The new governor, Sir John Colborne, had been exhibited in effigy at Hamilton, and a rumour had found currency that there was a conspiracy to liberate Collins from gaol by force. Whatever connection these two subjects may have had, they were jointly referred to a special committee of inquiry. Gurnett had stated in his newspapers, that the intention of certain petitioners for the release of Collins was to liberate him by force, if necessary. On January 29th, Rolph moved that Gurnett be brought to the bar of the House to be interrogated touching this statement. When he came he refused to answer, on the ground that his evidence would implicate himself. Allan MacNab (afterwards Sir Allan) was among the witnesses called, and he refused to answer the questions put to him. On motion of Dr. Baldwin, he was declared guilty of a high breach and contempt of the privileges of the House. Being taken into custody by the sergeant-at-arms, and brought a prisoner to the bar of the House, he complained of having been tried and convicted without a hearing. His defence was not satisfactory to the House, and, on motion of Mackenzie, he was committed to the York gaol, under the warrant of the Speaker, during the pleasure of the House. Solicitor-General Boulton was also called as a witness. He, too, thought himself entitled to refuse to answer the questions of the committee, and, for this contempt

and breach of privilege, was let off with a reprimand.

Mackenzie in the assembly soon became one of its most active members. He commenced as he ended, by asking for information and probing to the bottom questions of great public interest. In the committee-room he made his mark, during the first session, not less distinctly than in the House. As chairman of the select committee to inquire into the state of the post-office department in Upper Canada, he drew up a comprehensive report replete with the most valuable information and suggestions. The mail service was miserably performed; and matters were so managed as to leave a considerable surplus profit which failed to find its way into the provincial exchequer. Not a mile of new post-road could be opened, or a single post-office established, without the authority of the postmaster-general in England, who was necessarily destitute of the minute local information necessary for the correct determination of such questions. The postage on a letter between England and Canada ranged from five shillings to seven shillings and six pence. The tri-weekly mail between Montreal and the present city of Toronto was slowly dragged over roads that were all but impassable; and it was a standing wonder how the mail-carriers were enabled to perform their duties westward. Mackenzie recommended, as the beginning of all efficient reform, that the department should be

placed under the control of the local authorities. He also laid it down as a principle that no attempt should be made to draw a revenue from the post-office; but that the entire receipts should be devoted to the securing of additional postal facilities. Complaints had been made, in previous sessions, that the colonists were taxed, without their consent, through the post-office department, and that the surplus revenue was never accounted for, a complaint which had been met by Attorney-General Robinson by a reference to Dr. Franklin, who was said not to have regarded postage in the light of taxation.

Nor was this the only committee of which Mackenzie was chairman. In that capacity he made a report on the privileges of the House and the conduct of returning officers at the recent election, and he afterwards carried, on a vote of twenty-seven against five, a resolution that the chief clerk, with the approbation of the Speaker, should appoint the subordinate officers of the House, except the sergeant-at-arms and any others appointed under the existing law.

During this session, Mackenzie carried various other motions and addresses to the government. On nearly every vote he was sustained by immense majorities. When certain powerful interests were interfered with, his success was not so marked; and on a few occasions he failed to obtain a majority. In those days, the assembly counted a

chaplain among its servants, and in accordance with the attempt, which had not yet been abandoned, to give the Church of England a position of ascendency in Upper Canada, he was a member of that Church. On a vote of eighteen against fourteen, Mackenzie carried a resolution which struck at this exclusiveness by declaring that, during the remainder of the session, the clergy of the town generally be invited to officiate, in turn, as chaplain, and that their services be paid out of the contingent fund.

But the government was so fenced in that it could exist in the face of any amount of opposition. During this session it was entirely independent of the House for the means of carrying on the government. No money grant was asked; and the House was officially informed that it would not be expected to trouble itself with the matter. The Crown revenue, which came into its hands under an imperial statute of 1774,[1] sufficed to defray the expenses of the government and of the administration of justice; and any bills passed by the House, which did not meet with the sanction of the government, could be easily disposed of in the council.

In this session he brought before the House a series of thirty-one resolutions—a moderate number compared with the celebrated ninety-two of

[1] The Quebec Revenue Act, 1774, (14 Geo. III, c. 83), and its amendment, the Quebec Revenue Act, 1775, (15 Geo. III, c. 40).

Lower Canada—on the state of the province. He therein took a position far in advance of the times. Contending for that right of local self-government of which the constitution contained the guarantee, he asserted the right of the House to control the entire revenue arising within the province; complained that money voted for the civil service had been applied to the pensioning of individuals in sums of from £500 to £1,000 a year; denounced the favours shown to a particular Church, pensions, monopolies, and *ex-officio* and criminal informations, at the instance of the Crown, for political libels. The necessity of making the Canadian judges independent was asserted in opposition to opinions expressed in high quarters in England. The unlimited power of sheriffs holding office during pleasure was declared to be dangerous to public liberty, especially as the office was often filled by persons of neither weight nor responsibility. The patronage exercised by the Crown or its agent, the governor, in the province, was asserted to be at variance with sound policy and good government. Though the importance of Canada to England as a nursery for her seamen and as a country consuming a larger quantity of British goods in proportion to the population, was insisted on, it was alleged that the discontent arising from the abuse of power was one of the causes that led to the invasion of the province in the War of 1812; the resulting losses suffered by the most active

friends of the British power, and falling most heavily on the Niagara district, ought, it was contended, to be made good out of the territorial revenue of the Crown instead of being left unliquidated or allowed to fall on a poor province. The appointment of an accredited agent at the seat of the imperial government, was declared to be desirable. The resolutions constituted a budget of grievances, most of which have been not only redressed but forgotten.

The arrival in the province of Sir John Colborne, in the capacity of lieutenant-governor, had been hailed as the sure promise of a new era. The illusion had vanished before the close of the session, during which an executive council, which found itself in a permanent minority in the popular branch of the legislature, had been kept in office.[1] Mackenzie, who had been elated by hopes which were destined not to be realized, now uttered complaints where he had before been disposed to bestow praise. He had gone into the legislature with a desire to point out, and, if possible, remedy, what he believed to be great abuses in the government.

In the spring of 1829, Mackenzie visited New York, Washington, Philadelphia, and other places

[1] The following is a list of the members of the executive council with dates of appointment: James Baby, 1792; John Strachan, 1818; William Campbell, 1825; James B. Macaulay, 1826; Peter Robinson, 1828; and George H. Markland, 1828. One had held office for thirty-seven years.

in the United States, with a disposition to view everything he saw there in *coleur de rose.* The alarming sound of a threatened dissolution of the union even then fell upon his ears; he could detect in it nothing but the complaints of disappointed faction. While on this visit he wrote a long letter on the political condition of Canada to the editor of the *National Gazette.* The authorship was not avowed, and though various conjectures were hazarded on the subject, it is difficult to see how it could have been a question at all. The letter bore the strongest internal evidence of its authorship, and was, besides, little more than an amplification of the thirty-one resolutions he had brought before the legislature in the previous session.

The contrasts made between the government of Canada, as then administered, and that of Washington, could hardly be otherwise than of a dangerous tendency. An English statesman might make them with impunity; but if a Canadian followed his example, his motives would not fail to be impugned. So it was with Mackenzie, who claimed to be, in English politics, neither more nor less than a Whig. These contrasts obtruded themselves by the propinquity of the two countries; and there is no reason to suppose that, in Mackenzie's case, they at this time implied any disloyalty to England.[1]

[1] As the general election of 1831 approached, the misrepresentations of the object of Mackenzie's mission to the United States continued to be repeated with increased virulence and rancour. He met

During the parliamentary recess, a vacancy having occurred in the representation of York by the appointment of Attorney-General Robinson to the chief justiceship of the Court of King's Bench, the vacant seat was contested between Robert Baldwin, whose father was then a member of the House, and James E. Small. Mackenzie supported the former, who obtained ninety-two votes against fifty-one given to his opponent. Taking the assembly for our guide, it would be difficult to imagine a government administered in more direct defiance of the public will than that of Canada in 1830. The legislative session opened on January 8th; and in the address in reply to the speech of the governor, the House was unanimous in demanding the dismissal of the executive council. "We feel unabated solicitude," said the representatives of the people, "about the administration of public justice, and entertain a settled conviction that the continuance about your Excellency of those advisers, who, from the unhappy policy they have pursued in the late

them by the publication of a letter he received from the chief clerk of the Department of State, dated Washington, July 28th, 1830, which concludes as follows: "I have just received a letter from Mr. Van Buren, the secretary, dated at Albany, the 23d of this month, expressly authorizing me to deny all knowledge of or belief, on his part, in the revolutionary designs imputed to you, as I now have the honour of doing, and to state, moreover, that he has not the smallest ground for believing that your visit had anything political for its object. He directs me also to add that, if the president were not likewise absent from the seat of government, he is well persuaded he would readily concur in the declaration which I have thus had the honour of making in his behalf."

administration, have long deservedly lost the confidence of the country, is highly inexpedient, and calculated seriously to weaken the expectations of the people from the impartial and disinterested justice of His Majesty's government." The House was unanimous in desiring the removal of the advisers of the governor; but a discussion arose upon the proper method of accomplishing that object. Mackenzie hit upon the true remedy. "I would," he said, "candidly inform His Majesty's ministers that they do wrong to encourage and support in authority an organized body of men in direct opposition to the wishes of the people of the country." If there was any hope of making the wishes of the House prevail, it was by an appeal to England. The governor had, in the previous session, been appealed to by an almost unanimous vote of the House to remove his advisers; but he had felt himself at liberty to ignore the wishes of the people's representatives. On a direct vote of a want of confidence, the government had, in the previous session, been able to muster one vote out of thirty-eight; now their solitary supporter had deserted them. By the personal favour of the governor, they were still retained in office.

The governor received the address of the House with a curtness that revealed a petulant sullenness bordering on insult: "I return you my thanks for your address," was all he condescended to say. That it might not appear invidious, he used the same

formula in receiving the echo address of the legislative council.

No member of the House had the same knowledge of financial matters, revenue, banking, and currency, as Mackenzie. There were more finished scholars, and more brilliant, though not more powerful, orators than he; but in his knowledge of the mysteries of accounts he was unrivalled. At the commencement of the session, he concluded an able speech on the currency by moving for a committee of inquiry. Of this committee he was chairman; and in that capacity made an elaborate report on banking and currency.

"The system of banking," said the report, "in most general use in the United States, and which may with propriety be termed 'the American banking system,' is carried on by joint stock companies, in which the stockholders are authorized to issue notes to a certain extent beyond the amount of their capital, while their persons are privileged from paying the debts of the institution, in the event of a failure of its funds to meet its engagements." On this system, which had found its way into Canada, Mackenzie was anxious that no more banks should be chartered; but, in case the House resolved upon that course, he recommended the following precautions as likely to afford some security to the bill-holders: "(1) That a refusal to redeem their paper should amount to a dissolution of their charter. (2) That the dividends be made out of the

actual *bona fide* profits only. (3) That stock should not be received in pledge for discounts. (4) That stockholders, resident within the district in which any bank is situated, should not vote by proxy. (5) That either branch of the legislature should have the power to appoint proper persons to ascertain the solvency of the bank, or detect mismanagement, if they should see fit to institute an inquiry. (6) It should be stipulated that any Act of the legislature prohibiting the circulation of bills under five dollars, shall not be considered an infringement of the charter. (7) The book or books of the company in which the transfer of stock shall be registered, and the books containing the names of the stockholders, shall be open to the examination of every stockholder, in business hours, for thirty days previous to any election of directors. (8) Full, true, and particular statements should be periodically required, after a form to be determined on, and which will exhibit to the country the actual condition of the bank to be chartered."

He moved an address for detailed accounts of the different branches of the public revenue; introduced a bill—which passed unanimously at its final stage—providing that the publication of truth, unless with malicious intent, should not be a libel; and that the defendant in an action for libel should be entitled to plead truth in justification and to produce his proofs. This bill was rejected by the

legislative council in company with more than forty others.[1]

As in the previous session, Mackenzie brought forward resolutions directed against the practice of filling the legislative council with dependent placemen; but they were not pressed on either occasion. If this point had been insisted upon by the House, which showed an inexplicable backwardness in

[1] "There is a fact, known to very few, in the life and labours of an old Canadian journalist which the writer may, perhaps, be excused for mentioning. It should interest all who have sympathized with the early struggles for a free press in Canada. A few years ago, in the course of a newspaper controversy which arose in regard to the story of the Upper Canadian Rebellion, and the personages who figured therein, the writer, in looking through the papers of the late William Lyon Mackenzie, came upon a draft parliamentary bill 'For more effectually securing the Liberty of the Press.' It was in manuscript, in Mackenzie's plain, bold handwriting, and showed marks of careful revision in order, apparently, to render its phraseology acceptable as a piece of parliamentary drafting. From the date which it bore—and subsequent enquiries verified the fact—the bill had been drawn in advance of any agitation for those salutary provisions of Lord Campbell's Act which have been of immense service to journalism wherever they have been adopted. The remarkable feature of the Mackenzie bill was this: that it not only contained proposed amendments of the law the same in effect as those embodied in Lord Campbell's Act, with a number of additional clauses that would have rendered that famous Act more effective, but it also embraced the substance of some other reforms which were afterwards engrafted on the Canadian law of libel. The bill had not been laid before the legislature, by reason, as far as we could discover, of the stirring events which drove its author into exile; but there can be no doubt that, had a good, instead of an evil, star shone upon his path, his libel bill would have been the precursor, in the old Upper Canada House of Assembly, of the great measure which, during his term of expatriation, was placed upon the statute-book and became the law of England." John King, Q. C., *A Decade in the History of Newspaper Libel*," p. 49.

dealing with it, there is reason to believe that it would have been conceded by the imperial government.[1]

After the close of the session of 1830, the belief seems to have generally prevailed that the executive government would dissolve a House which had been unanimous in asking the governor to dismiss his advisers. The death of the king, George IV, settled all doubts that might have existed on this head. But before the intelligence of this event reached Upper Canada, the battlecry of party had been raised in anticipation of a dissolution of the new House. In the month of July, Mackenzie addressed a series of very long letters to Sir John Colborne, apparently intended to influence the constituencies. Several columns of the first letter were devoted to a complaint founded on the accusations brought by the government press against the loyalty of the assembly, and abuse of its mem-

[1] In a despatch by Sir George Murray, then colonial secretary, September 29th, 1829, "virtually" addressed to Sir John Colborne, as he was officially advised, the following passage occurs:—

"The constitution of the legislative and executive councils is another subject which has undergone considerable discussion, but upon which His Majesty's government must suspend their opinion until I shall have received some authentic information from your Excellency. You will, therefore, have the goodness to report to me, whether it would be expedient to make any alteration in the general constitution of those bodies, and especially how far it would be desirable to introduce a larger proportion of members not holding offices at the pleasure of the Crown; and, if it should be considered desirable, how far it may be practicable to find a sufficient number of persons of respectability of this description."

bers.[1] These attacks followed closely upon the publication of a despatch from Sir George Murray, colonial secretary, to Sir James Kempt, lieutenant-governor of Lower Canada, in which the imperial minister inculcated "the necessity of cultivating a spirit of conciliation towards the House of Assembly"—plainly showing the feelings of the British government on the subject. After collecting a long list of accusations against the dominant party in the assembly, he met the charge of disloyalty brought against the assembly and the Reform party in direct terms. "The people of this province," he said, "neither desire to break up their ancient connection with Great

[1] The Upper Canada *Courier*, published by Gurnett, described the House and the Speaker as follows :

"————Mouthpiece of a tyrant gang, [the House of Assembly]
Whose hatred is levelled at all loyal subjects.
Poor abject creature of a rebel race,
I scorn thy brief and undeserved authority."

And again :

"A thing like him [the Speaker] will only breed contempt,
And cause our House to prove a scene of riot,
Uproar and noise. A theatre for spouting
Disgusting trash and scurvy billingsgate,
The scoff and scorn of all who witness it.

"Devoid of dignity, address, and manners,
He seems a thing unworthy to preside
O'er doting fools who loiter at camp meetings
To hear old women prate in mawkish phrases.

"Out upon them [the House of Assembly] ; shouldst thou choose
Him [Mr. Bidwell] Speaker,
Thou'lt prove thyselves a base and shameless faction,
Disgraceful both to government and people."

Britain, nor are they anxious to become members of the North American confederation; all they want is a cheap, frugal, domestic government, to be exercised for their benefit and controlled by their own fixed land-marks; they seek a system by which to insure justice, protect property, establish domestic tranquillity, and afford a reasonable prospect that civil and religious liberty will be perpetuated, and the safety and happiness of society effected."

It was one of Mackenzie's complaints that the members of the executive government were not responsible to the people of Canada through their representatives; and that there was no way of bringing them to account for their conduct. When the election contest approached more nearly, he put forward responsible government as a principle of vital importance. As a needful reform, he placed it on a level with the necessity of purging the legislative council of the sworn dependents of the executive, who comprised the great majority. Of Upper Canada politicians, we are entitled to place Mackenzie among the very earliest advocates of responsible government.[1] It is doubtless true that others afterwards made the attainment of this principle of administration more of a specialty than he did; for where abuses grew up with rank luxuriance, he could not help pausing to cut them down in detail. The independence of the judiciary,

[1] In September, 1830, he put forth the following programme, and afterwards frequently repeated its publication :—

for which he persistently contended, has been, like responsible government, long since attained.

His letters to Sir John Colborne are not free from remarks to which a general consent would not now be given. In drawing up an indictment containing a hundred counts against the administration, the constitution was not always spared; but the system of administration then pursued would now find no supporters in this province; and if we were obliged to believe that it was constitutional to sustain in power a ministry condemned by the unanimous voice of the people's representatives, the necessity for constitutional reform would be universally insisted on. If the British government, and even the British constitution, came in for a share of condemnation, it must be remembered that the oligarchical system, which reduced the

"To insure good government, with the aid of a faithful people, the following five things are essential:

"1. The entire control of the whole provincial revenues is required to be vested in the legislature—the territorial and hereditary revenues excepted.

"2. The independence of the judges; or their removal to take place only upon a joint address of the two Houses, and their appointment from among men who have not embarked in the political business of the province.

"3. A reform in the legislative council, which is now an assembly chiefly composed of persons wholly or partly dependent upon the executive government for their support.

"4. An administration or executive government responsible to the province for its conduct.

"5. Equal rights to each religious denomination, and an exclusion of every sect from a participation in temporal power."

popular branch of the legislature to a nullity, was sustained by the imperial government, and that the Reform Bill of Lord John Russell had not yet been passed.

The letters to the governor were immediately followed by "An Appeal to the people of Upper Canada from the judgments of British and colonial governments." This "Appeal" was one of the mildest productions Mackenzie ever wrote. Free from personalities, it consisted entirely of an appeal to the reason and the better feelings of the people, and can be fairly judged from an extract addressed to the agricultural classes :—

"A kind Providence hath cast your lot in a highly favoured land, where, blessed with luxuriant harvests and a healthful climate, you are enabled to look back without regret upon the opulent nations of Europe, where the unbounded wealth of one class, and the degrading poverty of another, afford melancholy proofs of the tyranny which prevails in their governments. Compare your situation with that of Russia, an empire embracing one-half of the habitable globe, the population of which are slaves attached to the soil, and transferable to any purchaser; or with Germany, Italy, Portugal, and Spain, where human beings are born and die under the same degrading vassalage. Traverse the wide world and what will you find ? In one place, a privation of liberty; in another, incapacity to make use of its possession ; here, ignorance, vice, and political

misrule; there, an immense number of your fellow-men forced from their peaceful homes and occupations 'to fight battles in the issue of which they have no interest, to increase a domain in the possession of which they have no share.' Contrast their situation with yours, and let the peaceful plains, the fertile valleys of Canada, your homes, the homes of your wives and children, be still more dear to you. Agriculture, the most innocent, happy, and important of all human pursuits, is your chief employment; your farms are your own; you have obtained a competence, seek therewith to be content."

Mackenzie's re-election for York was opposed by nearly every newspaper in the country; and the few that did not oppose remained silent. Some carried the virulence of personal abuse to an extent that caused him to complain of injustice; but he would neither condescend to reply nor to meet his assailants with their own weapons. The county of York returned two members. In the Reform interest stood Mackenzie and Jesse Ketchum; opposed to them were Simon Washburn and Thorne. So far did Mackenzie carry his sense of fairness that he publicly announced that he would "abstain from using the press as a medium of injuring, in the public estimation," those who might be opposed to him as candidates. The result was Ketchum, 616; Mackenzie, 570; Washburn, 425; Thorne, 243.[1]

[1] Shortly before the election came on, Mr. Mackenzie had given

The new House met on January 7th, 1831. No previous assembly had committed half as many follies as the one that now met for the first time was to perpetrate.

The first trial of party strength showed that the majority had passed to the official side. Archibald McLean became the new Speaker on a vote of twenty-six against fourteen. He was the first native Canadian elected to the chair of the Upper Canada assembly. His father had emigrated from Argyleshire, Scotland; and the son had, in previous local parliaments, allied himself with the official, or Family Compact, party. Personally, he was not obnoxious, even to the opposition; and his pleasing address was much in his favour. But his election indicated a complete change in the politics of the House; and the party now dominant in both branches of the legislature, as well as in the government, was subject to no check whatever. The way in which it abused its power will hereafter be seen.

It is impossible to note the change in the char-

"reasons," occupying four newspaper columns, "why the farmers and mechanics should keep a sharp look-out upon the Bank [of Upper Canada] and its managers." These reasons were based upon the refusal of the officers of the bank, in the previous session, to answer the inquiries, on numerous points, of a parliamentary committee; on the statement, in the evidence of Robert Baldwin, that notes had been discounted and refused discount from political reasons; on the palpable defects which then existed in the charter, defects which were such as even then no economist or good business man in Europe would have thought of defending. In order to exclude Mackenzie from the last annual meeting proxies had been refused.

acter of the House produced by the election of 1830, without inquiring to what possible causes so extraordinary a party revolution was attributable. The enigma seems to be not wholly incapable of solution. The opposition to the executive, in the previous House, had gone far to abolish all party lines. Very few members who served from 1828 to 1830 had any serious political sins to answer for in respect to that period. The purse-strings were held by the executive. Holding the Crown revenues independent of the legislature, it could wield the influence which money gives; and, in a young colony, poor and struggling, this was necessarily considerable. The state of the representation was, in some respects, worse than that in the unreformed House of Commons. The session was not very old when Mackenzie moved for a committee of inquiry on the subject. On a vote of twenty-eight against eleven the House granted the committee; and after two attempts on the part of the officials and their friends to break the force of the conclusion arrived at, Mackenzie got a committee of his own nomination.

It had already become evident that, even in the present House, Mackenzie would frequently get his own way, and that he would give no end of trouble to the official party. He brought forward motions which the House, in spite of its adverse composition, did not venture to reject, and they were sometimes accepted without opposition. He carried a motion of inquiry into the fees, sal-

aries, pensions, and rewards, paid out of that portion of the revenue which was not at the disposal of the legislature, as well as a motion for a return of all sums paid out of the same source to religious denominations. He made strong efforts to effect a reform in the very defective system of banking which then prevailed. The friends of bank mystery had been obliged to give way, and to allow regular returns of the Bank of Upper Canada to be made to the government. On this subject Mackenzie did not carry his motion, but he compelled those who opposed him to yield much of what he contended for.

If a member who gave the official party so much trouble could be got rid of, how smoothly things might be expected to glide along in the House as at present constituted. Could a vote of expulsion not be carried? Previous to the general election, Mackenzie had distributed, at his own expense, several copies of the journals of the House, unaccompanied by comment and precisely in the shape in which they were printed by the House. The declared object of the distribution was to give the voters in different places the means of referring to the official record of the votes and proceedings of the House, in order that they might be able to trace every vote, motion, and resolution of their late representatives, and to ascertain when they were absent and when present; and also whether their votes were acceptable or not. It appears that

it had been decided at a private party meeting, at which several of the leading officials are said to have been present, that this should be treated as a breach of privilege, and be made the ground of a motion to expel the member guilty of it. For this purpose the aid of a committee of inquiry was obtained consisting of Attorney-General Boulton, MacNab, Willson, Samson and William Robinson. MacNab was selected as the minister of vengeance; and it may be presumed that he performed his task *con amore*, since he had an old grudge to settle with the member on whose motion he had, in a previous session, been sent to prison for refusing to answer the inquiries of a committee of the House. MacNab based his complaint chiefly upon the fact that the journals had been distributed without the appendix. If the appendix had gone too, he owned "that he should not so readily have made up his mind on the question of privilege." The motion was that, upon a report of a select committee, Mackenzie had abused the trust imposed on him—to print the journals—by publishing portions of them, and distributing the same for political purposes, "thereby committing a breach of the privileges of this House." The solicitor-general (Hagerman) made no hesitation in denouncing the circulation of the journals as "altogether disgraceful, and a high breach of the privileges of the House." He deemed it monstrous to circulate them

"without the consent or approbation of the House," and for the shameful purpose of letting the constituencies know how their members had voted. Attorney-General Boulton said the question was, whether, for this "bad purpose, any portion of the journals of the House could be published;" and he answered it by unhesitatingly declaring his "opinion, as a lawyer, that such a publication was a breach of parliamentary privileges, whether done with an evil intent or for a praiseworthy purpose." Mr. Dalton had, in the previous session, published portions of the proceedings of the House in his journal, *The Patriot;* and if Mackenzie was liable to be punished, so was he. Every newspaper publisher was equally guilty.

Mackenzie had a clear appreciation of the effect which such an ill-advised movement would produce on the public mind. "If," he said, "the object of this resolution is to do me injury, it is but another proof of the incapacity and folly of the advisers of this government, who could not have better displayed their weakness of intellect and unfitness for office, than by bringing me before the public as a guilty person, on an accusation against which the whole country, from one end to the other, will cry out, 'Shame!' If I have done wrong, every newspaper editor in London, in Lower Canada, and in this province, is deserving of punishment."

Nothing could be plainer than that the charge on

which it was sought to justify the motion for expulsion was a mere pretext. These considerations must have flashed upon the House; and in spite of its subserviency to the administration, and in spite of the desire to get rid of Mackenzie's active opposition by removing his presence from the House, a majority, fearing the effect of the proceeding upon the constituencies, shrank from sustaining MacNab's motion. The vote stood fifteen against twenty; the names of the attorney-general and the solicitor-general figured in the minority.[1]

Baffled for a time, but resolved not to forego their purpose of getting rid of a troublesome opponent, a new pretext was soon invented. It was pretended that Mackenzie had printed a libel upon the House. Before, however, the time came for the second motion for expulsion, the House had entered on another session; and in the interval Mackenzie was far from having done anything to conciliate the dominant faction. On March 16th, 1831, the committee on the state of the representation, of which he was chairman, reported. It condemned the practice of crowding the House with placemen; showed that the legislative council had repeatedly thrown out bills for allowing the same indemnity to members for towns as was paid

[1] I do not, of course, intend to deny the constitutional right of the House to punish for libellous contempt of itself. But the power is one that requires to be exercised with great caution; and assuredly it should not be abused by making it a pretext for the expulsion of a member who is found troublesome to the dominant party.

to those for counties; recommended the modification of that provision of the law which gave a representative to every town having one thousand inhabitants, so as to include a portion of the adjoining country sufficient to give the constituency four thousand inhabitants; an approach to the equalization of constituencies, in other cases, was recommended in detail. It was shown that the executive had exerted undue influence on placemen who held seats in the legislative council; and had compelled them to change their tone and vote in direct opposition to their convictions previously expressed in their places. A few had had spirit enough to protest; but submission had been the rule.

The recess was of less than ordinary length, the parliament, prorogued on March 16th, 1831, having been again convened on November 17th. But the period had been long enough for Mackenzie to arouse an agitation which shook Upper Canada throughout its whole extent. Nothing like it had ever before been witnessed in the Upper Province. In the middle of July, he issued, in temperate language, a call for public meetings to appeal to the king and the imperial parliament against the abuses of power by the local authorities. He did not mistrust the justice or the good intentions of the sovereign. On the contrary, he showed the people that there were substantial reasons for believing in the good intentions of the king towards

the province. "If," he said, in a public address, "you can agree upon general principles to be maintained by the agents you may appoint in London, I am well satisfied that His Majesty's government will exert its utmost powers to fulfil your just and reasonable requests; your king's noble efforts on behalf of your brethren in England, Ireland, and Scotland, are an earnest that you have in him a firm and powerful friend." In these public meetings, York led off; and was followed by responsive movements throughout the province. Mackenzie was present at many of the meetings, and even in such places as Brockville and Cornwall he carried everything as he wished. Each petition adopted by those meetings was an echo of the other; and many appear to have been exact copies of one another. To produce a certified copy of the proceedings of the York meeting was sure to obtain assent to what it had done. A distinct demand for a responsible government found a place in these petitions. The king was asked "to cause the same constitutional principle which has called your present ministers to office to be fully recognized and uniformly acted upon in Upper Canada; so that we may see only those who possess the confidence of the people composing the executive council of your Majesty's representative." Representative reform, which then occupied so much attention in England was demanded. The control of all the revenue raised in the province was asked to be placed in the

assembly; the disposal of the public lands to be regulated by law; the secularization of the Clergy Reserves; the establishment of municipal councils which should have the control of local assessments; the abolition of exclusive privileges conferred upon particular religious denominations; law reform; provision for impeaching public servants who betrayed their trust; the exclusion of judges and ministers of the Gospel from the executive council and the legislature; the abolition of the right of primogeniture—these items completed the list of those grievances of which redress was asked.

Mackenzie afterwards became the bearer of these petitions to England. The aggregate number of signatures appended to them was over twenty-four thousand five hundred. In spite of counter-petitions numerously signed, his mission, as we shall see, was far from being barren of results.

During the spring of 1831, Mackenzie made a journey to Quebec to pay a visit to some of the leading politicians of Lower Canada. He took passage at Montreal, in the steamer *Waterloo*, for Quebec. While on her way down the vessel was wrecked early on the morning of April 13th, opposite St. Nicholas, and the passengers had a narrow escape across the ice-jam for their lives. The vessel went down in deep water. The accident arose from the supposition that the ice-bridge at Cap Rouge had given way, and left the channel clear.

There is one incident connected with the landing

of the passengers, which Mackenzie often related. A poor woman whom he overtook, in company with Mr. Lyman, making her way to shore, was unable to jump from one piece of ice to another, or was afraid to venture. Mackenzie threw himself across the breach, and she walked over upon his body.

CHAPTER VII

EXPULSIONS FROM THE ASSEMBLY

IN the last session, the attempted expulsion of Mackenzie had failed. The pretext adduced to excuse the proposal was so flimsy and untenable that a majority of the House shrank from committing themselves to it. A new crime had been invented, and a new pretext found. Before, it was a breach of privilege for distributing the journals of the House ; now, it was a libel constituting a breach of privilege. The House met on November 17th, 1831, and on December 6th Mackenzie's expulsion was proposed. The proceedings were initiated by a flourish about the privileges of parliament, the intention being to justify an outrage which it was proposed to perpetrate in their name. The preliminary motion affirmed, "that the privileges of parliament were established for the support and maintenance of the independent and fearless discharge of its high functions, and that it is to the uncompromising assertion and maintenance of these privileges in the earliest periods of English history, that we are chiefly indebted for the free institutions which have been transmitted to us by our ancestors." With a view to showing the animus of the proceedings, Bidwell, seconded by Perry, moved in amendment that so much of the journals as related to the

previous attempt at expulsion be read; but in a House of forty members he was beaten by a majority of ten. Bidwell returned to the charge, proposing to amend the resolution so as to give credit to "a free press, in modern and enlightened times, notwithstanding the many different attempts to destroy its liberty," a share in the preservation of the free institutions transmitted to us by our ancestors. This amendment being rejected, on a vote of twenty-four against sixteen, another amendment, embodying two extracts from articles in the *Colonial Advocate*, was moved. The first of these articles was a mere summary of the proceedings of the House on the subject of certain petitions praying for a redress of grievances, and the second, by far the more severe, certainly did not exceed the latitude of political criticism at that time constantly taken by the English press.[1] It would be easy to

[1] Here is the second alleged libel:

"Excellent Example of Lower Canada.—The harmony which subsists between the governor-in-chief, the House of Assembly, and the colonial secretary, Lord Viscount Goderich, must be pleasing and gratifying to every true friend of representative government; for it is evidently the consequence of a just and honourable course of procedure in these high parties towards the people of Lower Canada. We are glad to perceive, by Lord Goderich's despatch in answer to the assembly's petition sent home last spring by Mr. Viger, that all the judges are to be dismissed both from the executive and legislative councils; that the revenues from the Jesuits' Estates are to be applied by the province to educate the Canadians; that the power of regulating trade is to be exercised in future with great attention to the interests of the colony; that provincial bills for giving corporate powers and making local regulations will be sanctioned; that the right of the colonists to regulate their internal affairs is fully admitted; that offices

quote from leading London journals numerous examples of greater severity of denunciation. At this distance of time we look back with amazement at the paltry passions and narrow judgment that could construe these articles into libels on the House, constituting a breach of privilege for which nothing less than ignominious expulsion of the author would be a fitting or adequate punishment.

Mackenzie promptly accepted the responsibility of the articles, both as author and publisher. The Speaker, being appealed to, decided that Mackenzie had a right to be heard in his own defence. The latter then proceeded to address the House ; but

of trust and profit are to be more equally distributed in future ; that officers who have lost the confidence of the country are to be dismissed, if the complaints made against them are proved ; that all the proper influence of government is to be given to the satisfaction of the colony, and that any colonial law increasing the responsibility and accountability of public officers will be sanctioned by England. In the assembly we see noble and patriotic efforts made to increase the happiness of the people, enlighten their understandings, and watch diligently over their rights and privileges ; and on the part of the governor-in-chief there does really appear to be a willingness to act with the House of Assembly, and faithfully to assist them in securing for the country the inestimable advantage of good laws and free institutions.

"The contrast between their executive and ours, between the material of our assembly and theirs, and between the use they make of an invaluable constitution and our abuse of it, is anything but satisfactory to the friends of freedom and social order in Upper Canada. Our representative body has degenerated into a sycophantic office for registering the decrees of as mean and mercenary an executive as ever was given as a punishment for the sins of any part of North America in the nineteenth century. We boast of our superior intelligence, of our love of liberty ; but where are the fruits? Has not the subservience

before he had concluded, an adjournment took place. Next day, Bidwell moved for a committee to inquire whether any libels had been published on the House during the session. The motion was declared to be out of order. The Speaker also announced that he had given an erroneous decision, on the previous day, in giving the accused the right of self-defence. But Mackenzie was allowed to proceed. He was not the only member of the House who published a newspaper; and others had, in speaking of the proceedings of the assembly, used much harsher language than he had. But the truth was, one party was permitted any latitude of language in dealing with their opponents. This had

of our legislature to a worthless executive become a by-word and a reproach throughout the colonies? Are we not now, even during the present week, about to give to the municipal officers of the government, as a banking monopoly, a power over the people, which, added to their already overgrown influence, must render their sway nearly as arbitrary and despotic as the iron rule of the Czar of Muscovy? Last winter, the majority of our assembly, with our Speaker at their head, felt inclined to make contemptuous comparisons between the French inhabitants of a sister colony and the enlightened constituents who had returned them, the said majority. In our estimation, and judging of the tree by its fruits, the Lower Canadians are by far the most deserving population of the constitution they enjoy; for they show themselves aware of its value. While judging the people here by the representatives they return, it might be reasonably inferred that the constituents of the McLeans, Vankoughnets, Jarvises, Robinsons, Burwells, Willsons, Boultons, MacNabs, McMartins, Frasers, Chisholms, Crookes, Elliotts, Browns, Joneses, Masons, Samsons, and Hagermans, had immigrated from Grand Tartary, Russia, or Algiers, the week preceding the last general election; for, although in the turgid veins of their members, there may be British blood, there certainly is not the appearance of much British feeling."

been apparent in the prosecution of Collins, and the menaced proceedings against Mackenzie, while the newspaper organs of the official party were left undisturbed in their carnival of unmeasured abuse of opponents.

The speech of the arraigned member shows so well the unfairness of those who thus charged him, and the partiality of their methods, that the material parts of it are given :—

"The articles complained of," Mackenzie said, "contain opinions unfavourable to the political character of members who compose the majority of this House, also opinions unfavourable to those persons who compose the executive council of the colony. The former are charged with sycophancy, the latter with being as mean and mercenary as any other colonial administration. It is alleged that to propagate such opinions is criminal and deserves punishment. Undoubtedly, if there is a rule or law, it is wrong to transgress it. But I know no law that is transgressed by propagating these opinions. Let it even be supposed, for the sake of argument, that the opinions complained of are false, though I firmly believe that they are perfectly true; if all false quotations and false opinions are improper, then all discussion, either in this House or through the press, must also be improper, for one set of opinions must be wrong. And if none but true opinions can be given or quoted by either party, then there can be no argument. The newspaper

press of this colony takes different sides on political questions. Four-fifths of the twenty-five journals published in this colony are in raptures with the lieutenant-governor, the councils, and the House of Assembly; they continually laud and extol them to the skies for the wonderful benefits they are conferring, and (as they say) are about to confer upon the province. The remaining journals, comparatively few in number, but of very extensive circulation, disapprove generally of the manner in which public affairs are conducted. Shall they not possess the power to blame, if they think fit, that which the others praise? May not they who find fault be in the right, and the others who praise in the wrong? How are the people to know when to approve or to disapprove of the conduct of their rulers, if the freedom of expressing all opinions concerning public men be checked? In English law, it is said that though discussion should be free it should be 'decent,' and that all indecency should be punished as libellous. The law of libel leaves the terms 'indecent discussion' undefined, and in old English practice, as Bentham justly remarks, what is 'decent' and 'what the judge likes' have been pretty generally synonymous. Indecency of discussion cannot mean the delivery either of true or false opinions, because discussion implies both; there is presumed to be two parties, one who denies, and another who affirms, as with us, where twenty journals are in favour of the majority in

this House and only five generally opposed to them. Would you wish all check from the press put a stop to? Assuredly there is no medium between allowing all opinions to be published, and of prohibiting all. Where would you draw the line? Those among us who may wish to conceal the abuses of our defective government will denounce the paragraphs complained of as libellous, because it is a point of great importance with them to keep the people in ignorance, that they may neither know nor think they have any just cause of complaint, but allow the few to riot undisturbed in the pleasures of misrule at their expense. They say West India negro law is admirable. The solicitor- and attorney-general have already gratuitously denounced the paragraphs before the House, as tending to bring the government into contempt and impede its operation. If the government is acting wrongly, it ought to be checked. Censure of a government causes inquiry and produces discontent among the people, and this discontent is the only means known to me of removing the defects of a vicious government and inducing the rulers to remedy abuses. Thus the press, by its power of censure, is the best safeguard of the interests of mankind; and unless the practical freedom of the press were guaranteed by the spirit and determination of the people of Upper Canada, it is doubtful to me whether this House itself, as an elective body, would be an advantage to the

community. I rather think it would not. It is by no means an improbability that the electors of this House should sometimes make a bad choice. That I think they have done so now is evident from my votes upon most questions. It is by the liberty of the press, and the freedom of expressing opinions, that a remedy can be had for an unfortunate choice; the more the country knows of your acts, the more severely editors on whom it depends animadvert on your public conduct, the more will that conduct become a matter of inquiry and discussion, and the country will look into your actions and weigh your character thereby. If the people support a press and expect independent opinions from the editor, would you have that editor deceive them by praising the most notorious selfishness and sycophancy, and dressing these vices in the garb of virtue?

"If one man in a legislative assembly saw that he might promote misrule for his own advantage, so would another; so would they all; and thus bad government be reared and upheld. Unless there be a check by the people upon governors and legislators, founded on a knowledge of their character, governments will inevitably become vicious. If the legislature shall (as these proceedings indicate in my case) assume the power of judging censures on their own public conduct, and also assume the power to punish, they will be striking a blow at the interests of the people and the wholesome liberty

of the press. Where bad judges, hypocritical governors, wicked magistrates, sycophantic representatives, can, by the doctrine of contempts, exercise at will a censorship over the press and punish the journalist who strives to promote the public interest by a fearless discharge of an unpleasant duty, misrule and injustice will be the inevitable consequence. It is our duty to watch the judges; but were they to assume the power of punishing editors summarily for animadversions on their conduct on the bench, how would the people know what that conduct had been, or learn whether we did or did not do our duty in striving to secure for them a perfect judicature? There is assuredly no security for good government unless both favourable and unfavourable opinions of public men are allowed to be freely circulated. To have the greater benefit in the one case, you must submit to the lesser evil in the other. But it will perhaps be said that the language of these paragraphs is passionate, and that to censure you in passionate language is libellous. Who shall define what is, and what is not, violent and passionate language? Is not strong and powerful emotion excited in one man's mind by expressions which in another man produce no such effect? Will you affirm that opinions ought to be put down if conveyed in strong language, or what you may be pleased to consider strong terms? This doctrine would leave to the judges the power of interpreting the law favourably or unfavourably in all cases.

Libel might thus mean one thing in York, and another thing at Sandwich. The freedom of the press has been for many years practically recognized by all factions, sects, and parties in these colonies; and each, in its turn, has had resort to that powerful lever in attempting to direct public opinion. Opinions both favourable and unfavourable, both true and false, have been safely promulgated, and truth and error advocated by opposite sides, of which I will now refer to some examples. It cannot even be alleged by my judges, the public agents for the Gore *Mercury* [Messrs. Mount, Burwell, Shade, Ingersoll, and Robinson], owned by the learned member opposite [Mr. MacNab], that that newspaper has changed and become more violent than at the onset. Mr. MacNab told us, in his first number, that 'believing decency and good manners to compose some part of virtue, we shall endeavour to exclude from our columns all selections or communications having in the least a contrary tendency. All personal reflections, private scandal, and vituperative attacks upon individual character, we openly declare we wish never to have even sent to us.' And, in the very same number, he gave several delectable verses as his own definition of this 'virtue,' 'decency,' and 'good manners.' I may as well give the House a specimen from his opening number, where he speaks of the majority of the last House of Assembly:—

'Each post of profit in the House
To greedy sharks assigned,
And public records of the state
Clandestinely purloined.

'The attorney from the Senate House
Endeavoured to expel,
Whose hall they made look like a room
Where raving drunkards dwell.

'For months this ribald conclave
Retailed their vulgar prate,
And charged two dollars each per day
For spouting billingsgate.

'Two years their saintships governed us
With lawless, despot rule,
At length the sudden change broke up
The league of knave and fool.'

"After apportioning to your predecessor in that chair a due share of this 'decent' poetry, the learned gentleman opposite informed the people of Wentworth that their late representatives, of whom I was one, were so many 'juggling, illiterate boobies —a tippling band—a mountebank riff-raff—a saintly clan—a saddle-bag divan—hackneyed knaves'; and that they possessed other equally pleasant and agreeable qualities, which it appears his fine sense of virtue, decency, and good manners did not allow him to forget in his future productions, which my judges, his agents [Messrs. Shade, Robinson, & Co.], have taken such unequalled pains to circulate among our worthy constituents. I declare I think it a severe punishment to 'be obliged to seek for

specimens of 'the liberty of the press,' as practised by the majority of this House, in such a vehicle as the *Mercury*, but it nevertheless appears to me the best and most effectual way of exhibiting to the country the gross and shameful partiality of this proceeding. I will now call the attention of the House to Mr. MacNab's *Mercury* of June 9th and September 15th last. Courtiers are seldom slow in perceiving what pleases a government, and are always ready to use the means, however improper. It has been found no difficult road to the favour of His Excellency and his council to cast opprobrium on Mr. Ryerson, the Methodists, Mr. Bidwell, and others whom His Excellency had no friendship for; accordingly we find Mr. MacNab and the agents of his *Mercury* stating that Mr. Ryerson is 'a man of profound hypocrisy and unblushing effrontery, who sits blinking on his perch, like Satan when he perched on the tree of life in the shape of a cormorant to meditate the ruin of our first parents in the garden of Eden,' and that he is the ally of 'shameless reprobates.' My brother members go on and civilly publish in the *Mercury*, that my soul was going with a certain potentate of darkness to his abode; that I, 'the rascal,' had been guilty of 'dark calumnies and falsehoods—false oaths, false acts—with many other sins of blackest hue.' I will not read the production; it is too gross; but those who wish to refer to the proofs of 'good manners', afforded by those of my judges who

circulate the *Mercury*, may have the perusal of the paper itself. In the *Mercury*, printed on the day this session was convened, I find that Mr. MacNab and his agents circulated (through the Kingston *Chronicle*) an opinion that I had been 'wickedly employed in exciting' the people of Upper Canada 'to discord, dissension, and rebellion.' I presume this was published as a fair specimen of the degree of politeness due from one member to another; for the two honourable members for Wentworth used precisely similar language at the great public meeting held last summer at Hamilton. This brings me to notice the meeting of the inhabitants of York last July, and the petitions to the king and this House, of which Messrs. MacNab and Gurnett, and their agents, give an account in their journals as follows:—

"'The whole proceeding, however, is so superlatively ridiculous, and so palpably fraudulent and deceptive, that we find the utmost difficulty in taking the subject up at all as a serious matter, or in alluding to it with any other language than that of ridicule and contempt. And as these are also the feelings and the sentiments with which every man of common sense, of every sect and party in the province, looks at and laughs at those extravagant proceedings—always excepting the little knot of half a dozen disappointed and revengeful political aspirants who constitute the nucleus of the old central junto party, and of every other disaffected

body which has been organized under different appellations in this country within the last seven years; always, we say, excepting this knot of worthies, and those ever-ready tools of their dishonest purposes—the illiterate and mentally enslaved adherents of Ryersonian Episcopal Methodism—with these exceptions, we repeat, every man in Upper Canada thoroughly penetrates the fraudulent proceedings by which the party in question, through the agency of their hired tool, Mr. Mackenzie, are now attempting to attain their selfish and dishonest object.

"'But the question naturally presents itself, how, in defiance of these incontrovertible facts, can so large a number of the people of the province be induced to give the sanction of their signatures to the complaints contained in Mr. Mackenzie's addresses? This is a question, however, to which every intelligent man in the country is prepared to answer: "First, through the influence, direct and insidious, which the crafty Methodist Episcopal priesthood exercise over their illiterate, but well organized and numerous, adherents; and secondly, through the fraud, falsehood, or sheer humbug which is resorted to by Mr. Mackenzie at his pretended Township Meetings."'

"There is language for us, Mr. Speaker, language calculated to please the heads of the government, and intended doubtless as illustrative of the benefits we of the minority might derive from the liberty of

the press. Let us now examine who are the accredited partners, public supporters, or rather, as they are called, agents of the *Courier*—Colonel Ingersoll, M.P., Mr. Mount, M.P., Colonel Burwell, M. P., your honourable colleague, the York bank agent at Dundas, the Hon. Counsellor Crooks, at Flamborough, Mr. Jones at Prescott, Mr. Berczy at Amherstburg, and a long list of officials. Will those gentlemen named, who have places on this floor, and who are all pressing forward this prosecution, be able to persuade the country that they are not parties to one of the most partial and shameful schemes ever hatched against a fellow-mortal? Well and truly does Mr. MacNab tell his readers in one of his numbers, that 'HATRED can survive all change, all time, all circumstance, all other emotions; nay, it can survive the accomplishment of revenge, and, like the vampire, prey on its dead victim.' The majority of this House, whatever may be their practice in regard to sycophancy, profess to dread and abhor the very name of sycophants; yet are they willing to use the freedom of the press to bestow remarkable titles on others. The *Mercury* and the *Courier*, and their agents, my brother members here present, in their account of the Hamilton meeting, jointly honour me with the appellations of a 'politico-religious juggler'—'mock patriot'—'contemptible being'–'grovelling slanderer'–'wandering impostor,' whose 'censure is praise,' and whose 'shameless falsehoods,' 'foul deeds,' 'envious ma-

lignity,' and 'impotent slanders,' point me out as 'the lowest of the vile.' All this it is expected I should quietly submit to, and so I do. Next, it appears to be expected that I should patiently endure the most insulting abuse on this floor from persons in authority under the government; and that, too, I have been found equal to. Thirdly, I must not call things by their right names in the newspaper called the *Advocate;* but either praise the most undeserving of public men, be silent as death, or go back to the freeholders of the country with the brand of a 'false, atrocious, and malicious libeller' on my forehead. If such shall be your measure of justice, I will not shrink from the appeal to the country. Not one word, not one syllable do I retract; I offer no apology; for what you call libel I believe to be solemn truth, fit to be published from one end of the province to the other. I certainly should not have availed myself of my privilege, or made use of the language complained of on this floor; but since I am called to avow or disavow that language, as an independent public journalist I declare I think it mild and gentle; for, be it remembered, Mr. Speaker, I see for myself how matters are carried on here; your proceedings are not retailed out to me at second hand. When the petitions of the people, numerous beyond all precedent since the days of Chief Justice Robinson, Jonas Jones, and the alien question, were brought into this House, praying for economy and retrench-

ment, for the regulation of wild lands sales by law, for the abolition of Crown and Clergy Reserves, and all reservations except for education, for the means of education, for an abolition of banking monopolies, for a reduction of law fees and a simplification of law practice, for the equal distribution of intestate estates, for the establishment of the mode of trying impeachments, for assuring the control of the whole public revenue, for a revision of the corrupt jury-packing system, for the repeal of the everlasting salary bill, for disqualifying priests and bishops from holding seats in the two councils, for taking the freeholders' votes at convenient places, for allowing the people the control over their local taxes, for inquiring into the trade law of last April, for the abolition of the tea monopoly, and for an equal representation of the people in this House, how was I treated by those who press on this infamous proceeding? Contrary to all parliamentary usage, the petitions were consigned to a select committee chiefly composed of the bitter enemies of the improvements prayed for, and myself and the other members who introduced them excluded by your vote. My motions for referring these petitions to their known friends, in order that through them bills agreeable to the wishes of the country might be brought before you, were negatived at the request of a member who has openly abandoned the principles which procured him a seat on this floor and a silver cup elsewhere, and adopted a course

which has elevated him to the rank of a deputy Crown clerk, a justice of the quorum, and a favourite in the circle of officials at the west end of this city; in more vulgar language, 'he has turned his coat,' and, I might add, 'his waistcoat also.' [Cries of order.] The honourable member for Frontenac [Mr. Thomson], who has made these several somersaults for his convenience, is a public journalist, and consequently, like me, a dealer in opinions. In his Kingston *Herald* of October 26th last, he calls the petitions of the country, with the consideration of which this House has since entrusted him, a 'humbug,' and tells his brother member [Mr. Buell] that he 'must plead guilty, if it be "illiberal and unjust" to expose the unprincipled conduct of an individual [meaning myself] whom we [meaning himself] conceive to be an enemy to our country, and a promoter of discord and disaffection.' What a generous, just, unbiased, and impartial judge he will make in his own cause, Mr. Speaker, on the present occasion!

"Again, speaking of the address to His Majesty, which has already been signed by ten thousand freeholders and inhabitants, he uses the following terms in the *Herald* of July last:—

"'We need not inform our readers that the uncalled for, and, as the *Patriot* justly designates it, "impertinent" address, is the production of Mr. Mackenzie of the *Colonial Advocate*, whose object is to excite discontent in the minds of the farmers

within the sphere of his influence, and at the same time to offer a deliberate insult to the legislature of which he happens to be a member.' The honourable gentleman assumes to himself the right of denouncing at will his brother representative as a traitor to his country, a promoter of rebellion, and for no other reason than that that member (myself) had originated an address to our present most excellent sovereign, King William, which ten thousand of our fellow-subjects have since sanctioned by their signatures! He declares by his votes on this question that he, as one of the majority in this House, may brand me with every infamous epithet which ill-will may see fit to embody in a resolution, but that I, as a public journalist, must be expelled and perhaps disqualified, if I once venture to hint at the glaring political subserviency of public men. Our late colonial minister, Sir George Murray, in a speech addressed to the electors of Perthshire, is reported to have said that 'It would be well if the people would at all times bear in mind that crowds have their courtiers as well as monarchs. Wherever there is power there will be flatterers, and the people do not always sufficiently recollect that they are liable to be flattered and misled as well as princes, and by flatterers not less mean, cringing, and servile, and, above all, not less false or less selfish than the filthiest flatterer who ever frequented a palace to serve his own private ends by betraying the interests of his master.' Mr.

Speaker, I never was so well convinced that crowds have their sycophants in Upper Canada as well as courts, as since I have had the honour of a seat in this assembly." . . .

The governor, whose nod would have been sufficient to quash these proceedings in a House swarming with placemen and dependents on the executive, had received, "with much pleasure," a petition from certain "gentlemen," residing in the county of Durham, in which the previous House was spoken of as "a band of factious demagogues, whose acts perceptibly tend to disorganize society, to subvert legitimate authority, and to alienate men's minds from constitutional government." And in another part of the document thus graciously received, the assembly was described as being composed of "unprincipled and designing men," deluders "under the dark mantle of specious patriotism."

So far as related to the decision of the House, it was to no purpose that Mackenzie exposed the gross partiality of these discreditable proceedings. The majority had marked their victim, and no argument that could be used would induce them to forego the sacrifice. Attorney-General Boulton, who seemed to have feared that Mackenzie would renew his defence, on the House resuming next day, moved to amend Mr. Samson's resolution by striking out the order for hearing the accused in his defence, and it was carried. On the same day, the House, acting as accuser, judge, and jury,

declared Mackenzie guilty of libel. The vote was precisely the same as on the two previous divisions —twenty-seven against fifteen—a fact which shows, in the strongest light, how incapable was this partisan tribunal of deciding fairly upon a question of libel. By a party vote Mackenzie's guilt had been pronounced; by a party vote he was to be expelled.

On December 12th, the House declared the defence of Mackenzie to be a gross aggravation of the charge brought against him, and that "he was guilty of a high breach of the privileges of this House." They refused to strike a committee to inquire whether any other libels upon them had been published since the commencement of the session. The majority had no idea of exercising their tyranny in an impartial manner. Their object was to sacrifice their opponents, not to deal out the same measure of punishment to their friends. Among those who would have been found guilty, if the inquiry had been pushed, were some of Mackenzie's accusers and judges. The vote for expulsion stood twenty-four against fifteen, and there were four absent members belonging to the official party, all of whom would, if present, have borne true allegiance on this occasion. Attorney-General Boulton, acting as prosecuting counsel on behalf of the majority, described the accused as a "reptile"; and Solicitor-General Hagerman varied the description to "a spaniel dog."

The imperial parliament has, times innumerable, punished individuals for libels upon either House. A libel upon an individual member has always been treated as a libel upon the whole body to which he belonged. Admitting the force of English precedent, Mackenzie, if guilty of libel upon the House, was liable to punishment. But the articles complained of as libellous, in his case, can hardly be said to have exceeded the legitimate bounds of discussion; and they were not nearly so bad as many others which the House thought it proper to overlook, and of which, indeed, some of the majority concerned in his condemnation had been guilty. It was this gross partiality, this want of even-handed justice, which rendered the proceedings against him so odious. Some of the libels which, in his defence, he showed had been levelled through the press, at particular members of the House, against other members, reflected upon a previous parliament; but, if English precedent be worth anything, no right is clearer than that of one House to punish for libels upon a previous House. If the assembly could punish for libel at all, it could punish for libels upon a previous assembly. The punishment, in Mackenzie's case, was altogether unusual. Deprivation of his seat was wholly unjustifiable.

The feeling excited in the unbiased reader's mind, as he goes over this recital, will be no safe indication of the degree of public indignation aroused by this mockery of justice. During the

week of the sham trial, petitions to the lieutenant-governor were numerously signed, praying him to dismiss a House tainted with the worst vices of judicial partiality; for the result had been foreseen by the preliminary divisions. On the day of the expulsion, a deputation from the petitioners waited upon the governor's private secretary and informed him that next day, at two o'clock, a number of the petitioners would go to Government House in a body to receive His Excellency's reply. At the appointed hour, nine hundred and thirty persons proceeded to fulfil their mission. They were received in the audience chamber, and, the petition having been presented, they were dismissed with the studiously curt reply: "Gentlemen, I have received the petition of the inhabitants."

But the precautions taken betrayed the fears of the government. Government House was protected with cannon, loaded, served, and ready to be fired on the people; the regiment in garrison was supplied with a double allowance of ball cartridges, and a telegraph was placed on the viceregal residence to command the services of the soldiers if necessary. There were even then some who urged an appeal to force; and the strange supposition seems to have been entertained that the Scottish soldiers would not fire upon them. Mackenzie checked the impetuosity of the more ardent spirits who advised violent measures. He had strong confidence in the disposition of the new Reform

ministry in England to do justice to the province; and he inculcated the necessity of patience.

What his enemies intended to make the day of his humiliation and ruin, proved the day of his triumph. The violence exercised towards him by the dominant faction won for him the sympathies of the people. After the return of the petitioners from the Government House, they proceeded to the residence of Mackenzie, largely reinforced. The man rejected by the assembly as a libeller was carried through the streets amidst the acclamations of the populace, who took this emphatic way of testifying their approbation of his conduct, and their determination to uphold the rights of a free press, which they felt had been outraged in his person. Among other places, the procession stopped at the Parliament House and cheered. They were cheers of triumph and defiance, telling how quickly the decision of the assembly had been reversed by that public opinion to which all elective bodies are ultimately accountable. At the office of the *Guardian* newspaper, then edited by the Rev. Egerton Ryerson, who had warmly espoused the cause of Mackenzie, the procession halted to give three cheers. From a window of the Sun Hotel, Mackenzie addressed the people; and cheers were given for the "Sailor King," and for Earl Grey and the Reform ministry. When Mackenzie had retired, the meeting was reorganized, and resolutions were passed sustaining the course he had taken as a

politician and a journalist; complaining of the reply of the governor to the petitioners as unsatisfactory and insulting; asserting the propriety of petitioning the sovereign to send to the province, in future, civil instead of military governors; and pledging the meeting, as a mark of their approbation of his conduct, to present Mackenzie with "a gold medal accompanied by an appropriate inscription and address."

At the same sitting at which the expulsion of Mackenzie had been decreed, the House had ordered the issue of a new writ for the election of a member in his place. The election was held on January 2nd. Over two thousand persons were present. There was a show of opposition made to the re-election of Mackenzie. Mr. Street was nominated. Forty sleighs had come into town in the morning to escort Mackenzie to the polling place. An hour and a half after the poll opened, Mr. Street, having received only one vote, against one hundred and nineteen cast for Mackenzie, abandoned the hopeless contest.

After the close of the poll, came the presentation of the gold medal, which was accounted "a superb piece of workmanship." On one side were the rose, the thistle and the shamrock, encircled by the words, "His Majesty King William IV, the people's friend." On the reverse was the inscription: "Presented to William L. Mackenzie, Esq., by his constituents of the county of York, U. C., as a

token of their approbation of his political career. January 2, 1832." The massive cable chain, attached to the medal, contained forty links of about one inch each in length.

When Mackenzie returned to the House with the unanimous approbation of his constituents, the question of re-expulsion was immediately brought up. While he stood at the bar of the House waiting to be sworn in, the question was raised, but the majority of the House seemed disinclined to incur the odium of a second expulsion, an amendment to proceed to the order of the day being carried by a vote of twenty-four against twenty. The motion was met by hisses below the bar, which were only suppressed by a threat to clear the House of strangers. The crowd of voters, who had accompanied their re-elected representative to York, pushed their way into the House. An attempt was made to prevent their entering the lobby; but they forced through the outer door and gained an entrance.

The movers in the business had not put the case very skilfully. No new libel had been charged, and the only offence that concerned the House consisted of an attempt to justify what the majority had previously voted a libel and a breach of privilege. The question raised was rather one of disability than of any new offence. It was probably owing to the fact that the majority saw this ground to be untenable that they refused to sanction the

motion. The House had an undoubted right to expel any member for adequate cause; but it had no right to create a disability unknown to the law.

Hagerman felt that it was necessary, in bringing up the question of the re-expulsion, to go upon the ground of a new libel upon the House. He therefore moved, January 6th, a resolution declaring certain matter which had appeared in the *Colonial Advocate* of the previous day, and of which Mackenzie admitted himself to be the author, to be a false, scandalous, and malicious libel upon the House, and a high breach of its privileges, and that the author be expelled the House, and declared unworthy to hold a seat therein. Hagerman had the prudence to leave out of view the general censures on the executive council, and the demand for the dismissal of himself and Attorney-General Boulton, which were to be found in the article, part of which he brought forward as a ground for expelling the author from the House. It is not to be supposed, however, that he was insensible to these reflections; and the imperial government afterwards took the advice of Mackenzie to dismiss both these functionaries. One of the principal grounds of that dismissal was the part they took in the expulsion of a political opponent from the House, upon pretexts that were deemed to be constitutionally untenable.

Only one hour was given to Mackenzie to prepare his defence, during which the House adjourned.

On its re-assembling, the clerk, at the request of the accused, read the whole of the article,—part of which was complained of as a libel upon the House,—extending to more than five newspaper columns. Such an article would not now arrest the attention of the House, much less cause its author to be punished for libel in any shape. Whether, technically speaking, it was libellous or not, it was far less so than many articles in other newspapers, some of them written by members of the assembly, the writers of which were neither prosecuted in the courts nor expelled from the House.

Solicitor-General Hagerman showed a disposition to carry the abuse of privilege as far as the most despotic sovereign had ever carried the abuse of prerogative. That he had no natural dislike of libels he clearly proved by the profuse use he made of them under cover of that very privilege in the name of which he asked the expulsion of a fellow-member. He described Mackenzie as "the worst of slanderers," who "would govern by means of the knife, and walk over the bleeding bodies of his victims." Of the minority of the House, he said, if they continued there, they "would continue as slanderers, or supporters of slanderers;" that "Mr. Mackenzie," when he closed his defence, had "cast a malignant and wicked glare across the House;" and that "at that moment, he left what was most virtuous within the walls, and took away what was the most vile and debased." When, in the

course of his defence, Mackenzie read extracts from the speeches of Sir Francis Burdett, Earl Grey, Lord Brougham, Mr. Macaulay, and others, the solicitor-general exclaimed that they were "base and diabolical." Here were libels a hundred times worse than those against which these words were uttered. Mackenzie attempted to convince the House of its error by showing that it was setting itself in opposition to public opinion; and pointed in proof to the approbation of his constituents, as shown both by his re-election and the gold medal that had been presented to him. After two or three attempts on the part of the solicitor-general to stop the defence, on such grounds as that the reading of extracts from the English press to show the degree of liberty allowed there to criticisms upon parliament was improper, the Speaker declared Mackenzie out of order. Having appealed against the decision of the Speaker, whom the House sustained by a large majority, Mackenzie resolved to attempt no more. It was, he said, a farce and a mockery for the House to call on him to make his defence, and then prevent his proceeding. He disdained to attempt any further defence before such a tribunal. He then tied up his papers, and walked out of the House amidst loud cries of "Order" from all sides.

The question was soon settled, the House voting the re-expulsion by nine o'clock, the second day of the discussion, on a division of twenty-seven against

nineteen. The resolution, forged in the mint of the solicitor-general, went much beyond a mere expulsion. It declared the expelled member incapable of holding a seat in the House during that parliament; thus assuming that a mere resolution of the House could create a disability to which nothing short of a specific law could give legal force.[1] Supposing this complaint of libel to have been well founded, the proper course would have been for the council to address the governor to order a prosecution, as was done by the House of Commons in the case of Wilkes, who was only expelled after he had absconded to France. But there was a very substantial reason for avoiding this course. No conviction could have been obtained. The appeal which Mackenzie now made to the electors of York was in his most impassioned style, and may be taken as a very fair sample of his powers of agitation.

"Canadians," he said, "you have seen a Gourlay unlawfully banished; a Thorpe persecuted and degraded; a Randal cruelly oppressed; a Matthews hunted down even to the gates of death; a Willis dragged from the bench of justice, slandered, pursued even across the Atlantic by envy and malice, and finally ruined in his fame, fortune, and domestic

[1] "If," says May, in his *Constitutional History of England*, "by a vote of the House, a disability, unknown to the law, could be created, any man who became obnoxious might, on some ground or other, be declared incapable. Incapacity would then be declared, not by the law of the land, but by the arbitrary will of the Commons."

happiness; you have seen a thousand other less noted victims offered upon the altar of political hatred and party revenge; sacrificed for their adherence to the principles of the constitution, their love of liberty and justice, their ardent desire to promote the happiness of your domestic firesides. How many more sacrifices the shrine of unlawful power may require, none can tell. The destroyer is made bold by your timidity and the base and unprincipled triumph over your truest friends, because they believe you will show a craven spirit, and put up with every possible insult, however aggravated. The hired presses style you the tag-rag and bob-tail who assemble at town meetings, and in the legislature your most faithful members are daily insulted and abused as rebels in heart, and as the factious abettors of the libeller, the disaffected, and the disloyal. . . . Had Charles X profited by experience as did his brother Louis XVIII, the elder branch of the Bourbons had yet reigned in France. Louis was illuminated by his journey to Ghent, and stuck by the charter ever after. But it is said that our great men put their trust and confidence in the troops at Kingston and in this garrison. Do they expect to make butchers of British soldiers, the soldiers of liberty, the friends of freedom, the conquerors of the tyrant of France, the gallant followers of the noble-hearted Colonel Douglas? Are these the men they expect to protect them should continued misrule bring upon them the indignation of an injured,

outraged, and long-suffering community? Do they suppose that men of honour would violate their obligation to their country and their God, and imbrue their hands in the blood of their kind and confiding brothers, to gratify the bitter enemies of their noble king? Surely the champions of British liberty are unfit to perform the drudgery of menial slaves! Surely the men whom our beloved sovereign has sent here to protect us from foreign aggression cannot desire to abridge our privileges! Their rights are ours—their history our history—their earliest recollections ours also. We acknowledge one common origin; our fathers worshipped together in one temple. Does the infatuated junto, who are now acting so foolishly, expect the bravest of Scotland's sons to sabre their countrymen merely because they do not conform to the doctrines of prelacy and follow the example of Archdeacon Strachan to apostacy and worldly wealth? Do they believe there is a soldier in Canada whose youthful heart ever bounded with joy in days of yore, on old Scotland's hills, while he sang the national air of 'Scots wha hae wi' Wallace bled,' and whose manhood has been employed in repelling foreign aggression, who would disgrace his name and the regiment he belongs to by increasing the widows and orphans of Canada? And yet, if such are not the expectations of our rulers, why do they trifle with the feelings of the people? What would a handful of troops be to the natural aristocracy of Canada, the hardy yeo-

manry who own the soil, even if the former were of the most ferocious class of human beings, instead of the manly and accomplished defenders of their country, covered with immortal honour and unstained laurels on many a victorious battlefield? I disdain to hold out threats, but it is time to speak with plainness. . . .

"We come, at last, to the leading question: What is to be done? Meet together from all sections of the country, at York, on Thursday next, the nineteenth instant, in this town, on the area in front of the court-house; let the farmer leave his husbandry, the mechanic his tools, and pour forth your gallant population animated by the pure spirit of liberty; be firm and collected—be determined—be united—never trifle with your rights; show by your conduct that you are fit for the management of your domestic affairs, ripe for freedom, the enlightened subjects of a constitutional sovereign, and not the serfs of a Muscovite, or the counterpart of a European mob! Strive to strike corruption at its roots; to encourage a system calculated to promote peace and happiness; to secure as our inheritance the tranquil advantages of civil and religious freedom, general content, and easy independence. Such a connection as this with our parent state would prove long and mutually beneficial; but, if the officials go much further, they will drive the people mad."

To a certain extent, the majority of the assembly

had, by the injustice of which they had been guilty, gained their point. They had goaded their victim into the use of expressions which, in his cooler moments, he had never used. It must not be overlooked, however, that whatever there was of menace in his impassioned language, it was directed against the provincial oligarchy. A marked distinction was made between them and the "noble king," whose "soldiers of freedom" were the "champions of British liberty." If he was indiscreet, we must not forget the galling provocation to which he had been subjected in being not only expelled from the legislature for libels that others might print with impunity, but that, with a view of preventing his re-election, the organs of the official party had represented that he was loaded with a disability unknown to the law, the creation of the arbitrary will of the assembly. We shall see, as we proceed, that some members of the Family Compact shortly afterwards threatened to throw off their allegiance upon infinitely less provocation.

The election of a member to represent the county of York, in the place of the expelled representative, commenced on January 30th, Mackenzie being proposed, for the fourth time, by Joseph Shepherd. Two other candidates, James E. Small and Simon Washburn, presented themselves. Small stated from the hustings that "he did not come before the freeholders as approving of the conduct of the assembly in their repeated expulsions of Mr. Mac-

kenzie; he considered their proceedings, in these cases, arbitrary and unconstitutional. But, as they had declared Mr. Mackenzie disqualified, he had come forward presuming that the electors would see the expediency of not electing a member who could not take his seat. He opposed Mr. Washburn, not Mr. Mackenzie, who, he was satisfied, would have a majority of votes." Washburn, on the contrary, expressed his approval of the proceedings of the assembly in the expulsion of Mackenzie, of whom he spoke in terms of harshness similar to those used by the more violent of the majority of the House. Washburn retired on the second day of polling, much disgusted at having received only twenty-three votes. Mackenzie received six hundred and twenty-eight votes, and Small ninety-six. During the parliamentary session following this re-election, Mackenzie was absent in England, and while there, as we shall see, was again expelled from the legislature. In his absence from the assembly, the Bank of Upper Canada had been authorized to increase its stock to a very large extent. The bill was, however, vetoed in England, at the instance of Mackenzie, as based on unsound principles.

Alexander Frazer, a man of coarse manners and violent language, publicly threatened to horsewhip Mackenzie from his place in the assembly during the mock trial; and it was said that, within twenty-four hours, he received from Sir John Colborne a promise of the collectorship of Brockville. The

promise was faithfully fulfilled. This official approval of ruffianly conduct, which should have called down the severe censure of the House, was only of a piece with that which happened a few years before, when a number of partisans of the Compact, who wrecked the *Advocate* office in the proprietor's absence and under the eye of Tory justices of the peace, were rewarded with offices under the Crown. Some of these incidents in Mackenzie's life, coupled with the treatment which he constantly received from the official party, and from the despotic assemblies which decreed his expulsions from parliament, would have made many a public man an irreconcilable foe to British institutions. "Considering," said a Conservative journal, "the persecutions to which Mackenzie was subjected, in his long and brave struggle for popular rights and good government, his moderation was marvellous. What popular leader of our day, who could wield the power which he did, would endure half as much as he under conditions as galling? Not one. There is, however, a remedy in human nature against tyranny, that will keep us safe under every form of government."[1]

[1] The *News*, Toronto, December 26th, 1895.

CHAPTER VIII

MACKENZIE'S MISSION TO ENGLAND

AN interest always attaches to the career of an individual whom the public regards as the victim of injustice, whose crime consists of his having defended a popular right or contended for a principle. The majority of the assembly, in attempting to crush an opponent, had made a martyr. The expelled member had crowds of sympathizers in all parts of the province. Public meetings were held to denounce this arbitrary stretch of privilege. Petitions to the king and the imperial parliament for a redress of grievances, of which the expulsion of Mackenzie was one, were numerously signed. Of these petitions, it was already known, Mackenzie was to be the bearer to the colonial office, where he would personally advocate the reforms for which they prayed.

A counter-movement was set on foot by the official party. With the Reform ministry in England, this party was not very sure of its standing. What might be the result of Mackenzie's visit, armed with numerous petitions, unless some antidote were applied, it would be impossible to tell. The prospect which this state of things held out enraged the official faction; and, in more than one instance, they resorted to violence, from which

Mackenzie only escaped with his life by something little short of a miracle.

On March 19th, 1832, one of the public meetings called by the government party was held at Hamilton. Mackenzie attended by special invitation. As too often happens where two political parties attempt to outnumber one another, at a public meeting, great confusion occurred. On a show of hands for the selection of a chairman both parties claimed the victory; but the sheriff took the chair. The other party—represented by a local paper as being much the more numerous—retired to the court-house green, where an address to the king was adopted. After the meeting Mackenzie went to the house of a friend, Matthew Bailey, where he dined. A rumour had been circulated, in whispers, that a plan had been formed during the day to take Mackenzie's life, or at least to do him such bodily injury as would render it impossible for him to make his contemplated journey to England. Several of his friends apprised him of this, and urged him strongly to leave town before dark. About nine o'clock that night, when he was sitting in a parlor upstairs with a friend writing, the door was suddenly opened without any premonition, and in stepped William J. Kerr and George Petit. When asked to take seats, Kerr at first refused, but immediately afterwards sat down. He almost instantly rose again, and, walking up to the table and turning over the

sheets on which Mackenzie had been writing, remarked with much apparent good humour: "Well, Mr. Mackenzie, have you got all our grievances redressed at last?" Something more was said, when Kerr, asking Mackenzie to speak with him in private, was at once lighted down stairs by the unsuspecting victim, by whom he was followed. Kerr opened the street door; and, while standing on the steps in front, introduced Mackenzie to two or three accomplices, remarking, "This is your man." All at once, one of them seized him by one side of the coat collar, while Kerr seized the other. The candle was dashed to the ground, and they attempted to drag their victim, in the dark, into an open space in front of the house. Mackenzie grasped the door, and, struggling in the hands of the would-be assassins, shrieked, "Murder." One of the party then struck him a terrible blow with a bludgeon, felling him down upon the stone steps, whence he was dragged into the square in front of the house, where he received repeated kicks and blows, and his life was only saved by the opportune arrival of some neighbours with Mr. Bailey's brother. The villains took to their heels, except Kerr, who was upon the ground; and when he rose, he resorted to the stratagem of assuming not only the innocent man but the protector, saying, "Don't be afraid, Mr. Mackenzie; you shan't be hurt, you shan't be hurt." He then scampered off as well as he could after his accomplices; and next morning he was

heard boasting at the Burlington Canal—a government work of which he was manager—that he had saved Mackenzie's life from the attempt of a band of ruffians! The victim was found to be bleeding profusely, disfigured in the face, injured in the head, and hurt in the chest.

Kerr was a magistrate and a rich man, and had charge of a public work. For the part he played in the outrage he was brought to trial in August, 1832, at the Gore District Assizes, some person, unknown to Mackenzie, having laid the information. Mr. Justice Macaulay was the presiding judge; and, considering the relations of all the parties, it is proper to say that he showed the greatest impartiality on the trial, though there might be a question about the adequacy of the punishment awarded. A fine of one hundred dollars is not serious to a rich man, nor sufficient punishment for an assault of that aggravated nature which irresistibly carried with it the idea of serious premeditated injury, if not something more. The first blow would probably have proved fatal had not the bludgeon come in contact with the lintel of the door.

The example of Hamilton was followed in York. On July 6th, 1832, at a public meeting called to organize an agricultural society, a disorderly mob, who had left the meeting to cheer the governor, returned, bearing an effigy of Mackenzie, which they burnt, and then made an attack upon the

office of the *Colonial Advocate*. They broke the windows and destroyed some of the type, and were only prevented from doing further mischief by the exertions of a few individuals.

In April, 1832, Mackenzie started on his journey to England as the bearer to the imperial government of petitions which had, for the most part, been born of the excitement arising out of his expulsions from the legislative assembly. The organs of the official party affected to be merry at the idea of a man, who had been twice expelled from the legislature and declared incapable of sitting during that parliament, taking a budget of grievances to Downing Street and expecting to obtain a hearing. But they had reckoned without their host, as the event proved.

He arrived in London in time to witness the third reading of the Reform Bill in the House of Lords. Here he made the acquaintance of O'Connell, the great Irish agitator, Cobbett, Joseph Hume, Lord Goderich, Earl Grey and Mr. Stanley, and he has left interesting sketches of most of these men. Of the prime minister he wrote: "Well does Earl Grey merit the high station and distinguished rank to which he has been called; truth and sincerity are stamped on his open, manly, English countenance; intelligence and uprightness are inscribed on all his actions. You may read his speech in the *Times* or *Chronicle;* you may imagine to yourself the noblest, happiest

manner in which such sentiments might be delivered by a sincere and highly gifted patriot; still your conception will fall far short of the reality of the admirable address and manner of the prime minister of Britain. His Lordship had need of neither the peerage nor the post he fills to point him out as one of the first among men; he was, he is, one of that aristocracy of nature which in any free country are found among the pillars of its liberties, and in any despotism among the foremost to break the tyrant's yoke, or perish in attempting it."

Mackenzie also made the acquaintance of Mr. Rintoul, editor of the *Spectator*, and of Mr. Black, editor of the *Morning Chronicle*, which then held almost as important a position as the *Times;* and he was enabled to address to the British public, through these journals, any observations he had to make on the subject of Canada.

Of all the members of the House of Commons, Joseph Hume rendered the greatest assistance to Mackenzie. He was on the best terms of friendship with the ministry, though he kept his seat on the opposition benches and pursued that independent course which seemed to be the only one possible to him. When he laid before the House of Commons the petition of which Mackenzie was the bearer, he did so not only with the knowledge and consent of the government, but "he was happy to have the assurance of Viscount Goderich [secretary of state

for the colonies], that his Lordship was busy inquiring into the grievances complained of with a a view of affording relief." Mackenzie had, by this time, already had an interview with the colonial minister, and, in company with Hume, Viger—who had gone to England on a similar mission on behalf of Lower Canada—and George Ryerson—who had gone to England on behalf of the Methodist Conference—he was to have another interview in a few days.

This interview, at which all the four gentlemen named met Lord Goderich, took place on July 2nd, and lasted nearly three hours. The attempts made to lessen Mackenzie's influence, in the shape of attacks by political opponents in Canada, and the various forms they had taken, appeared to go for nothing with Viscount Goderich. Mackenzie could not trace the effect of such influence. "The conduct of the colonial minister" he found to be "friendly and conciliatory; his language free from asperity; and I left him," adds Mackenzie, "with the impression strongly imprinted on my mind that he sincerely desired our happiness as a colony, and that it was his wish to act an impartial part." The agent of the Upper Canada petitioners explained at length his views of the state of Upper Canada. Viscount Goderich encouraged the deputation to lay the petitions before the House of Commons; and he appears to have recognized, from the first, the substantial nature of many of the grievances

which were subjects of complaint. If the ministry had shown a disposition to treat the petitions as of no great importance, Hume would have brought the whole subject of the political condition of Upper Canada before the House of Commons; and as he would have been warmly seconded by O'Connell and others, an effective demonstration would have been made. Although George Ryerson was present at this interview, he took no part in any of the questions discussed except those relating to religion and education, with which he had been specially charged.

On August 3rd, Mackenzie, in company with Hume and Viger, had a second interview with Viscount Goderich at the colonial office, lasting about an hour and a half. These interviews were not obtained through the intercession of Hume, by whom the agent had first been introduced to members of the ministry, but at the request of Mackenzie, who desired that the three other gentlemen might be included with himself. He afterwards had several interviews with Lord Goderich at which no third person was present. The colonial minister listened to Mackenzie's statements with the greatest attention, though he observed a decorous reticence as to his own views; and even when he had come to conclusions, he did not generally announce them till he had put them into an official shape. In one of these interviews, Mackenzie complained that the revenue

of the post-office department, in Upper Canada, was not accounted for, whereupon Lord Goderich proposed to divide the management of the department in Canada, and give Mackenzie control of the western section, with all the accruing emoluments. Mackenzie replied by saying: "So far as I am concerned, the arrangement would be a very beneficial one, as I could not fail to be personally much benefited by it; but your Lordship must see," he added, "that the evil I complain of would be perpetuated instead of being remedied. I must therefore decline the offer." Mackenzie estimated the value of the office, undivided, at fifteen thousand dollars a year, one-half of which he would have obtained if he had accepted Lord Goderich's offer. This was in strict accordance with the whole practice of his life. With every opportunity of acquiring competence, and even wealth, he lived a large portion of his life in poverty, and died under the pressure of pecuniary embarrassment.

Mackenzie was not received at the colonial office in a representative character—he was delegated by the York "Central Committee of the Friends of Civil and Religious Liberty"—but as an individual having an interest in the affairs of the province, and a member of the legislature of Upper Canada. It was agreed that he should address what complaints he had to make to the colonial secretary in writing. He made the fullest use of this privilege, writing long documents on a great number of

subjects in which Canadians were then interested. It was in the preparation of these papers that he performed the extraordinary feat, referred to in a previous part of this work, of continuing to write six days and six nights, without ever going to bed, and only falling asleep occasionally, for a few minutes, at his desk. He ventured to predict that, unless the system of government in Upper Canada were ameliorated, the result must be civil war. "Against gloomy prophecies of this nature," Lord Goderich replied, "every man conversant with public business must learn to fortify his mind," adding that he regarded them as the usual resource of those who wished to extort from the fears of governments conclusions in favour of which no adequate reasons could be offered. Mackenzie often referred to this prediction; and, so far from having intended it as a threat, took credit for it as a warning of the inevitable results of the policy pursued, contending that, if it had been heeded, all the disasters which followed would have been averted. He at this time also addressed to the colonial secretary a number of documents, including a lengthy "Memoir" on the state of the province, embracing a variety of topics. To this and some other documents Lord Goderich replied at great length, on November 8th, 1832, and in a tone and temper very different from those in which the local officials were accustomed to indulge.

Lord Goderich at first stated the number of names

attached to the petitions, of which Mackenzie was the bearer, at twelve thousand and seventy-five. Upon a recount at Mackenzie's request, there were found to be twenty-four thousand five hundred signatures; but it was said there were other petitions signed by twenty-six thousand eight hundred and fifty-four persons, "who concur in expressing their cordial satisfaction in those laws and institutions which the other sort of petitioners have impugned."

While combating a great many of the arguments adduced by Mackenzie, Lord Goderich yielded to his views upon several points. Hitherto no indemnity had been paid to members of the assembly representing town constituences. Lord Goderich directed the governor not to oppose objection to any measure that might be presented to his acceptance "for placing the town and county representatives on the same footing in this respect." He also agreed to place upon the same footing as Quakers other religious bodies who had a like objection to taking an oath. It having been alleged that the local executive distributed the public lands among their favourites without the authority of law, His Majesty, upon the advice of the colonial minister, interdicted the gratuitous disposal of public lands, and requested that they should be made subject to public competition, with a view "to the utter exclusion of any such favouritism as is thus deprecated." He instructed the governor to adopt all constitutional means to procure a repeal of the law

which disqualified British subjects from voting at elections after their return from foreign countries; and also that "His Majesty expects and requires of you neither to practise, nor to allow, on the part of those who are officially subordinate to you, any interference with the right of His Majesty's subjects to the free and unbiased choice of their representatives." "His Majesty," it was further stated, "now directs me to instruct you to forward, to the utmost extent of your lawful authority and influence, every scheme for the extension of education amongst the youth of the province, and especially the poorest and most destitute among their number, which may be suggested from any quarter, with a reasonable prospect of promoting that design."

It had been the custom of the governors to excuse themselves from laying a full statement of the revenue and expenditure before the legislature, by pleading the restrictions imposed by their instructions. But Lord Goderich rendered this excuse impossible in future by the averment that "if the royal instructions are supposed to forbid the most unreserved communication with the House of Assembly of the manner in which the public money, from whatever source derived, is expended, such a construction is foreign to His Majesty's design." "Nothing," it was added, "is to be gained by concealment upon questions of this nature, and a degree of suspicion and pre-

judice is naturally excited, which, however ill-founded, often appears in the result to be incurable." Coming to the question of ecclesiastics holding seats in the legislative council, Lord Goderich said it was expected of the bishop and the archdeacon, "that they should abstain from interference in any secular matter that may be agitated at that board." But, even under this restriction, Lord Goderich added, "I have no solicitude for retaining either the bishop or the archdeacon on the list of legislative councillors; but, on the contrary, am rather predisposed to the opinion that, by resigning their seats, they would best consult their own personal comfort, and the success of their designs for the spiritual good of the people." But, as their seats were held for life, their resignations must be voluntary; since, it was argued, there would be no justification for degrading them from their positions when no specific violation of duty had been imputed to them. If the expense of elections was so inordinate as represented, the governor was instructed to "signify to the legislative bodies that it is the earnest desire of His Majesty, that every practical method should be taken for correcting what would be so great an evil, by reducing the cost 'within the narrowest possible limit.'" In reference to an independent judiciary, Lord Goderich, anticipating the complaints now addressed to him, had directed the governor to suggest the enactment of a bill for that purpose. Thus, another point urged by

Mackenzie and those who acted with him, when they conceived that Judge Willis was offered up a sacrifice to the displeasure of the local executive, had been gained.

Such are some of the concessions obtained by Mackenzie, during his visit to England, from the imperial government. The despatch of Lord Goderich was intended for the public eye, and its style was eminently diplomatic. On several points he differed from Mackenzie; and sometimes he succeeded in putting his correspondent in the wrong. Unfortunately there were reasons, as afterwards appeared, for doubting the sincerity of some of Lord Goderich's professions.

The reception which the despatch of Lord Goderich met at the hands of the Family Compact, shows better than almost anything else the lengths to which a faction, spoiled by a long course of unchecked and irresponsible power, would go. The legislative council, instead of placing it on their journals, took the unusual course of returning it to the governor. Mackenzie's correspondence, to which the colonial secretary had taken so much trouble to reply, they assured the governor they viewed "with the most unqualified contempt"; and the despatch of Lord Goderich, so far as it was a reply to that correspondence, they could not "regard as calling for the serious attention of the legislative council."

The legislative assembly discussed, at great length,

the question of sending back this despatch. After a heated debate, the House, by a vote of twenty-one against twelve, resolved not to allow the documents accompanying the despatch, and on which it was founded, to go upon the journals. A subsequent House gave such portions of these documents as Mackenzie selected an enduring record in the famous "Seventh Report of the Committee on Grievances." The newspaper advocates of the official party went a little beyond the officials themselves. The principal of them, the *Courier*, described the despatch of Lord Goderich as "an elegant piece of fiddle-faddle, full of clever stupidity and condescending impertinence."

But the end was not yet. The repeated expulsions of Mackenzie from the legislative assembly, in which Crown officers had borne a conspicuous and discreditable part, had attracted the attention of the imperial government. The objections which the colonial secretary entertained to these expulsions were early communicated to Sir John Colborne; and they were fully explained, in the summer of 1832, to the Crown officers, Hagerman and Boulton, and to others "whose official situation placed them in a confidential relation to the government."[1] The matter was first brought to the attention of the colonial office by Hume; and the authorities sent instructions to Sir John Colborne to desire the officials by whom he was surrounded not to

[1] Letter of General Rowan to Mackenzie, November 30th, 1833.

be concerned in the repetition of so objectionable a procedure. But, notwithstanding this warning, they remained contumacious. While absent in England Mackenzie had again been expelled from the legislative assembly; and the attorney-general, opposing his constitutional law to that of the imperial government, argued for the legality of the course pursued by the House. Both the Crown officers voted for a motion to return to Lord Goderich the despatch and accompanying documents, and found themselves in a minority.

The dismissal of Attorney-General Boulton and Solicitor-General Hagerman, resolved upon in March, 1833, was the result of the discreditable part they had taken in the repeated expulsions of Mackenzie from the legislature, as well as for having, upon other questions, opposed the policy of the imperial government, and thus cast doubts upon the sincerity of its motives.[1]

On March 7th, Mackenzie had a long interview with Lord Howick, under-secretary of state for the colonies, at the colonial office; and it was at the

[1] Letter from the governor's private secretary to H. J. Boulton, April 29th, 1833:

"Sir:—I have the honour to acquaint you, in reply to your letter of this day, that the lieutenant-governor understands that the part of your political proceedings to which the despatch of the secretary of state particularly adverts, is that you and the solicitor-general promoted the repeated expulsion of a member of the assembly, although the constitutional objections to that course had been conveyed to His Excellency by His Majesty's government, and were, it is concluded, communicated by him to you."

request of that official that he put his complaint against the Crown officers into writing. Next day they assumed the required form; and two days later he had another interview with Lord Goderich, when, in reference to the Crown officers, the under-secretary remarked, "They are removed." But it appears, by the date of Lord Goderich's letter, that their removal had been determined on four days before.

When the despatch of Lord Goderich, ordering the removal of the Crown law-officers, reached Upper Canada, Hagerman had started for England, where on May 6th, while going into the colonial office, he met Mackenzie coming out. Boulton was at York, but soon followed. It is interesting to see how the official party, which had long claimed a monopoly of loyalty, bore this reverse. An article appeared in the Upper Canada *Courier*, attributed to the pen of the deprived attorney-general, containing direct threats of rebellion. The removal of these two functionaries was described as being "as high-handed and arbitrary a stretch of power as has been enacted before the face of high heaven, in any of the four quarters of this nether world, for many and many a long day." "The united factions of Mackenzie, Goderich, and the Yankee Methodists" were spoken of in the most contemptuous terms. Of the friends of Boulton and Hagerman, it was confessed that "instead of dwelling with delight and confidence

upon their connection with the glorious empire of their sires, with a determination to support that connection, as many of them have already supported it, with their fortunes or their blood, their affections are already more than half alienated from the government of that country; and in the apprehension that the same insulting and degrading course of policy towards them is likely to be continued, they already begin to 'cast about' in 'their mind's eye,' for some new state of political existence which shall effectually put the colony beyond the reach of injury and insult from any and every ignoramus whom the political lottery of the day may chance to elevate to the chair of the colonial office." The colonial secretary, it was added, by his course of liberality, had not only "alienated the affections" of the Boulton-Hagerman school of politicians, but had "produced the feelings of resentment, and views with regard to the future," which caused them to look for "some new state of political existence."

Hagerman arrived in England about the time the despatch ordering his removal reached Canada; and Boulton followed immediately on learning of his dismissal. Mr. Stanley, who had succeeded Lord Goderich as secretary for the colonies, restored Hagerman to his official position in the June following, within three months after his dismissal. It was afterwards officially stated that Hagerman's restoration was the consequence of exculpatory

evidence offered by him. Boulton at the same time obtained the office of chief justice of Newfoundland, where he soon embroiled himself with a large and influential section of the population, whereupon the imperial government relieved him of that charge also.

Mackenzie was discouraged at finding a portion of his success already neutralized. After recently expressing the greatest confidence in the justice of the imperial government, he now bitterly exclaimed: "I am disappointed. The prospect before us is indeed dark and gloomy."

The restoration of Hagerman seems to have been due as much, if not more, to the change that had taken place in the administration of the colonial office as to the exculpatory evidence he had offered. Lord Goderich, so long as he retained the seals, continued to court interviews with Mackenzie, and to solicit information from him on the affairs of Canada. Thus on March 27th, 1833, Lord Howick wrote him: "I am desired by his Lordship to acquaint you that he is disposed to think that much advantage might be derived from a personal communication from yourself and Mr. Viger, either to this place, the postmaster-general, or the secretary of the post-office, on the questions which have been agitated in Upper and Lower Canada respecting the post-office in those provinces." If his known intention to leave London in a few days would prevent a personal interview, Mackenzie was re-

quested to put any suggestions he might have to make into writing. He thereupon drew up a scheme of post-office reform for the province, supporting his recommendation by a number of documents, including several reports on the subject by committees of the Houses of Assembly in Upper and Lower Canada. The request for an interview, on the part of Lord Goderich, was repeated; but when that gentleman was about resigning the administration of the colonial office, he directed that the whole matter be left over for the determination of Mr. Stanley. The new colonial minister decided to send for Mr. Stayner, deputy postmaster-general at Quebec, to hear his explanation, before arriving at any conclusion; and Mackenzie left London the day on which Stayner arrived there. The result was to bring out information regarding the post-office revenue, which had been persistently refused to the demands of the House of Assembly. A return, which Stayner was requested to make for the information of the House of Commons, showed him to be in possession of perquisites to several times the amount of his salary. In the course of a long interview with Mr. Stanley at the colonial office in the month of May, Mackenzie strongly urged the necessity of giving the Canadians the control of the post-office revenue, as well as every other revenue arising in the province, for the reason that mismanagement must lead to discontent, and estrange the colonists from the mother country.

As has been already stated, Mackenzie successfully invoked the royal veto against the bill for increasing the capital stock of the Bank of Upper Canada, which was passed in his absence from the House occasioned by his second expulsion. This result was obtained after the objections to the measure had been stated at length to Lord Goderich, and after much correspondence with the Board of Trade. At the same time, and for similar reasons, the Kingston Bank Act was disallowed.

It may strike the reader, at this time of day, as singular that an agent and leader of a colonial party which claimed to be the exponent of a liberal creed and the interpreter of popular opinion, should be so ready to invoke the interference of the imperial government and the royal veto in the local affairs of the province. To a certain extent the seeming anomaly admits of explanation. On many questions, the local executive, acting through the Crown-nominated and dependent legislative council, thwarted the wishes of the people's representatives; and, under an irresponsible local administration, there was no effective appeal possible but to the imperial government. But, in some cases, interference against the decisions of the popular branch of the legislature was invoked. Appeals of this nature, unless some plain and obvious principle were violated, could hardly be justified.

The Rev. Egerton Ryerson, arriving in England while Mackenzie was there, was through him

introduced to the colonial office. Ryerson was delegated by the Canadian conference to submit a proposition for a union between the body it represented and the English Methodists. Without entering into the merits of the case, it will be sufficient to say that the course pursued by Ryerson, while in England and after his return to Canada, gave Mackenzie great offence, and he often, to the last years of his life, expressed regret that he had done anything to secure Ryerson admittance to the colonial office, which, in spite of the access which Mackenzie obtained, had for nearly eighteen months shut its doors in the face of Viger, who went as the delegate of the Lower Canada assembly. Baldwin, who afterwards visited London, was never able to obtain an audience of the colonial minister. Viger was in London long before Mackenzie, whom he had vainly solicited to accompany him, offering to bear the charge of his expenses.

Early in 1833, Mackenzie published in London an octavo volume of five hundred pages, under the title of *Sketches of Canada and the United States.* It treated of a great variety of subjects having no necessary connection with one another, and little regard was paid to method in the arrangement. The greater part of the book consisted of notes taken by the author while travelling, at different times, in the United States and Canada.

Before returning to Canada, Mackenzie revisited

Scotland in company with Mrs. Mackenzie, after making a tour of a large part of England. When he arrived in his native city of Dundee, he was struck with the changes that time had wrought. In a letter he says: "After a long absence from a country, one of the most striking changes noticeable is that in the age of the people. I have been introduced to cousins I left in the cradle, who are now grown men and women—some of them married, some studying law, some at college, some clerks in banks, some learning mechanical occupations, and others farming. . . . In the churches the same changes are visible. In the two Sundays spent here and in Strathmore we have regularly gone to the Kirk, sometimes to the Seceders, and sometimes to hear the established clergy. The walls of the Kirks, the seats, the pulpits, many in the congregation, I could remember from infancy, but the ministers were, some of them, new to me. There were enough, however, of old recollections to make these last visits to Scottish places of worship deeply interesting."

While in Dundee, Mackenzie made a settlement with such of his creditors as he had been unable to pay when he left Scotland, with their consent, for Canada in 1820. He sailed from London on June 25th, 1833, and arrived at Quebec on August 18th, after an absence of nearly eighteen months. In Quebec and Montreal he was pressed to accept

of public dinners, but in both cases he declined, excusing himself on the ground of his long absence from Canada, and his desire to arrive at York as soon as possible.

To the last years of his life, Mackenzie was proud of the reforms which his journey to England was the means of effecting in the government of Upper Canada; and he ever continued to cherish a grateful remembrance of the aid rendered him by Mr. Ellice, Mr. Hume, and others from whom he received assistance in the execution of his mission. Considering that he went to England in no official capacity; that he was probably opposed in the private communications of the military governor; and that attempts had been made by his enemies to disgrace him by thrice expelling him from the legislative assembly, it must be confessed that the success which he achieved was greater than that of any other man who ever went from Canada, in a non-official capacity, on a similar errand.

Of this journey the people's agent was left to bear the greater part of the expense. The actual disbursements were £676, of which he received £150. Payment of the balance was recommended by a committee of the assembly, but was never made on account of the supplies being withheld, and the country which he had served with such disinterested devotion allowed him to go down to the grave in poverty. Many years afterwards, in 1868, on the petition of Mrs. Mackenzie containing a statement

of the facts and asking for the reimbursement of the expenses so incurred by her husband, the legislature of Ontario, on the recommendation of the government, granted her the sum of four thousand dollars in settlement of the claim.[1]

Mackenzie was expelled for the third time from the House of Assembly, while he was absent in England. The session commenced on October 31st, 1832. On November 2nd, MacNab, without waiting till the governor's speech was answered, moved that the entries in the journals relative to the previous expulsion be read. Solicitor-General Hagerman, who was then in possession of the constitutional objections urged by the imperial government against these proceedings, contended that though the county of York could elect whom they pleased, the House had the right, by a simple resolution, to determine the eligibility of whomsoever they might send; and thus, in fact, to create a disability not sanctioned by law. Very little argument was required to convince the majority that this monstrous stretch of privilege was equally proper and expedient. The resolution having been carried, on a division of fifteen against eight, all that re-

[1] The government, upon whose recommendation the grant was made, was composed of Hon. J. S. Macdonald, attorney-general, Hon. S. B. Richards, commissioner of Crown lands, Hon. John Carling (now Sir John Carling, a member of the senate of Canada), commissioner of public works, Hon. E. B. Wood (afterwards chief justice of Manitoba), provincial treasurer, and Hon. M. C. Cameron (afterwards chief justice C. P. Division High Court of Justice, Ontario), provincial secretary.

mained to be done was to prove or assert the identity of the William Lyon Mackenzie elected for York with the William Lyon Mackenzie previously expelled by the House, and to declare him ineligible to sit or vote in the House. MacNab thought it sufficient to assert the fact and the disability. He moved a second resolution to that effect. This having been carried, on the same division as the first, the third expulsion was decreed, for no other reason than that there had been two others —a ground which MacNab himself afterwards admitted to be untenable.[1]

This arbitrary and utterly indefensible proceeding was promptly resented, as it had been on the two previous similar occasions, by the constituency of York. In the absence of Mackenzie, his friends brought his claims before the electors. The electors considered their privileges invaded; and so strong was the feeling that no one ventured to come forward and declare himself the candidate of the official party. Mackenzie was therefore unanimously re-elected.

On his return to York and desiring to take the usual oaths, Mr. Fitzgibbon refused to administer them to him as the member elect. This time there

[1] When the question of expunging these proceedings from the journals came before the House on February 16th, 1835, MacNab admitted his error, and voted for the motion. "I am willing to admit," he said, "that the last words, which went on to say that Mr. Mackenzie was expelled by reason of a former resolution, were wrong, and that we had no right to expel him on account of a former expulsion."

was to be no expulsion. The matter had assumed a new shape. It was contended that there had been no election. Bidwell brought the question to a vote. He moved, in substance, that Mackenzie had been duly elected for the county of York; that he was under no legal disability, and was by the law and constitution a member of the House; and that, upon taking the oath, which the law made it the duty of the commissioner to administer, he would have a right to sit and vote in the House. The motion was rejected on a vote of eighteen against seven. MacNab, who admitted Mackenzie's eligibility for election, contended that, though the county of York might elect, the House had the right to refuse to receive the member elected, thereby taking up an impossible position. He had voted that Mackenzie was incapable of holding a seat in the House during that parliament; though he held that the electors had a right to elect him. Perry asked the House to affirm a principle which is now held by the best authorities to embody sound constitutional law: that the House had no right, without the concurrence of the other branches of the government, to disfranchise any elector, or to disqualify any person from being elected, when such elector or person elected is under no legal disability; but he was able to command only thirteen votes in a House of thirty-two members. On a vote of eighteen against fifteen, the House then repeated its resolution that Mackenzie should

not be permitted to take a seat or vote as a member during the session; after which, a motion ordering a writ for a new election was carried by a bare majority of one, the minority being of opinion that Mackenzie, having been duly elected, was qualified to serve, and that in reality there was no vacancy.

Mackenzie went back to his constituents on December 16th, 1833, and was once more re-elected without opposition. It deserves to be noticed that, in his address to the electors, he declared "the grand defect in the colonial constitution" to be "the want of responsible government." The election being over, a series of resolutions were put to the meeting and carried unanimously. Among other things, they called for an inquiry into the conduct of Sir John Colborne, whom they charged with interfering with the constitutional rights of the people. The intention of a large body of the electors to accompany Mackenzie to the assembly at York being known, he entreated them to abstain from any acts of violence. They reached the House soon after mid-day. The galleries were soon filled; some were admitted below the bar, and others remained in the lobbies, for want of room inside. The result was awaited with great anxiety by the large body of electors, who were becoming indignant at being defrauded of the franchise by the repeated expulsions of one of their members from the House, or the

refusal of the majority to receive him. Perry rose to present a petition against a repetition of the proceedings by which the county of York had been deprived of half its legal representation. MacNab, in opposing its reception, was hissed from the gallery. It was now proposed to clear the gallery of the crowd of strangers with which it was packed; and when the operation had been partially completed, the sergeant-at-arms went up to Mackenzie, who was waiting below the bar to be sworn in, and ordered him to leave. He replied that he had been unanimously elected by the county of York, and that the writ had been returned to the clerk of the Crown in chancery, who was present in the House. If leave were given, he would prove that he had a right there. The sergeant-at-arms—MacNab, father of the member—then seized him by the collar, in a violent manner, saying, while he dragged him towards the door, "You shall go out." A brawny Highlander, one of the four or five who still remained, interposed either with a blow at the officer or held him back. As soon as the door was opened, the crowd, who had descended from the gallery to the lobby, rushed forward; but before they could get in, the door was bolted and barricaded with benches, members and officers pressing towards the door to prevent it being forced. The galleries, which had only been partially cleared, were the scene of great confusion. The excitement was extreme, and the business of

the House was brought to a stand. The question of sending to prison the stalwart Highlander who had interfered with the sergeant-at-arms, was raised; but a bystander remarked that "he feared it would be no easy matter to find the gaol, on such an errand." That official now returned to Mackenzie, and asked him to give proof of his election. This having been done, the officer of the House informed the Speaker, from whom he received orders to clear the space below the bar of strangers, that Mackenzie claimed to remain as a member. The Speaker urged the commissioners to refuse to administer the oaths, and afterwards decided that Mackenzie was a stranger because he had not taken them. MacNab (the member) said that to allow Mackenzie to remain below the bar would be a proof of pusillanimity in the House, in issuing an order which they had not the courage to enforce. It was not till after a long debate that the Speaker decided that Mackenzie was a stranger and not entitled to remain below the bar, whereupon the sergeant-at-arms removed him.

The hissing that took place in the gallery was unjustifiable. Such a proceeding is almost invariably the precursor of a revolutionary movement. But let us apportion the degree of censure due to the various parties. The electors of York had been defrauded of their elective rights by the proceedings of the House, some of which were clearly unconstitutional. The endurance of the electors was

well-nigh exhausted; and, while their interference with the deliberations of the House cannot be justified, the repeated provocations they had received must be taken into account. The conduct of the majority was revolutionary.

It was indeed a memorable day in Canada. There were among the electors some who argued that, if their member was forcibly ejected from the House, they, too, would be justified in resorting to force in defence of their violated rights. They had, they said to one another, some old rusty muskets which they might furbish up for future use, if this sort of thing were to be continued.

On the following day Mr. Morris moved that Mr. Mackenzie, having libelled the House more than two years before and made no reparation, a previous resolution declaring him unworthy of a seat therein ought to be adhered to; to which MacNab added, by way of amendment, "and therefore the said William Lyon Mackenzie, again elected and returned to represent the county of York in this present parliament, is hereby expelled." The resolution, as amended, was carried by a very narrow majority, the vote being twenty-two against eighteen.

In the evening Mackenzie addressed a communication to the governor stating what had occurred, and requesting to be permitted to take the oath before His Excellency, according to a provision of the Constitutional Act, or that some other prompt

and immediate relief might be afforded to him and his constituents. The question was referred to Attorney-General Jameson, who reported that Mackenzie was entitled to take the oath, and that no person commissioned by the governor had a right to refuse, since his office was ministerial and not judicial. The governor therefore directed Mr. Beikie, clerk of the executive council, to administer the oath. Mackenzie did not go before the clerk for this purpose till February 11th, feeling no doubt that, as the House had declared him expelled, he would not be allowed to take his seat. He finally made the trial at the urgent request of his friends. But we must here notice some events, and their consequence, that occurred in the interval.

The majority of the House were more than half afraid of the possible consequence of their act. The governor, completely under the control of his irresponsible advisers, firmly believed that the official party was the sole depository of loyalty in the province. In reply to representations made to him by Mackenzie, Mackintosh, Ketchum, and Shepard, at a personal interview, he recommended "that Mr. Mackenzie may offer to make the reparation which the House, by their late resolution, seem to expect from him"—a piece of advice that was very unlikely to be taken. In their interview with Sir John Colborne, Mackenzie and the three gentlemen who accompanied him had

complained of the refusal of S. P. Jarvis and Joseph Fitzgibbon, commissioners appointed to administer the oaths to members of the assembly. These gentlemen subsequently apologized for their conduct, and their apologies were sent to the governor along with the letter of his secretary recommending the offer of reparation.

Petitions breathing defiance began to reach the governor. "Loyal as the inhabitants of this country unquestionably are," said a petition from Whitby, "your petitioners will not disguise from your Excellency that they consider longer endurance, under their present oppressions, neither a virtue nor a duty. For though all mankind admit the claims of good government to the respect and support of the governed, yet very different considerations are due to that which is regardless of public interests, wars with public inclinations and feelings, and only aids or connives at oppression." In other petitions the electors complained that laws were passed without their consent, and a dissolution of the legislature was prayed for. A town meeting, in King, refused to appoint an assessor and collector of taxes, on the ground that they had no right to pay taxes when the assembly robbed them of half their representation.

Hume, removed from the influence of local feelings and prejudices, wrote from London to Mackenzie, giving his opinion that the events of December 16th and 17th—Mackenzie's unanimous

re-election and his forcible ejection and re-expulsion —would hasten the crisis that would terminate in the independence of Canada. But he was smarting under a sense of injury in consequence of some attack made upon him by the Rev. Egerton Ryerson; and his letter was at once intemperate and indiscreet. In speaking of the "baneful domination" of the mother country as a thing for Canada to rid itself of as soon as possible, he failed to make the proper distinction between the colonial oligarchy and the imperial government, though the latter, with every desire to do justice, upheld a false system, and was not infrequently misled by the prejudiced and interested statements of the knot of permanent and irresponsible officials by whom the governor was surrounded.

The colonial oligarchs and their supporters in the assembly were just as ready to complain of the domination exercised by Downing Street over the local affairs of the province as Hume himself, when their interests were interfered with. The disallowance of the Bank Charter Acts, to which reference has already been made, almost created a rebellion among the Tories of Upper Canada. In March, 1834, the assembly passed an address to the king protesting, in the most energetic terms, against the exercise of the royal veto in that case, laying down the general principle that, in all local affairs, the provincial legislature ought to be supreme. To have extorted assent to such a declaration, from a

section of the Tories, was no small gain.[1] There seems to be no question that they did not comprehend the full force of a declaration that was to make the legislature supreme in local matters.

On February 11th, 1834, no new writ had been issued for a new election; and Mackenzie went before the clerk of the executive council and took the oath prescribed for members of the legislature. At three o'clock on the same day, he walked into the House of Assembly and took his seat among the members. The House was in committee of the whole. He had not been long there when he received a visit from Mr. MacNab, sergeant-at-arms, who informed him that he was a stranger, and must retire. Mackenzie replied that he was a member of the House, legally elected and duly sworn; and he produced an attested copy of the oath. He was, he said, charged with no offence or irregularity that could disqualify him for sitting and voting. Before going to the House, he had given public notice that he should not leave his seat unless violence were used; and he now told the sergeant-at-arms that if he interfered it would be at his peril. This officer replied that he must use force.

[1] In a House of thirty members, six (of whom five were Tories) voted against part of the address protesting against the exercise of the royal veto. It was moved by Bidwell and seconded by Perry, in the shape of an amendment to another address that had been proposed. Nine Tories voted for the amendment, and thus affirmed principles mainly sound in themselves, but with which the whole practice of their lives was in contradiction.

Mackenzie was three times forcibly taken from his seat; and when he appealed to the Speaker for protection, that functionary replied that it was not possible for the sergeant-at-arms to have mistaken his duty. A resolution in favour of his taking his seat was lost on a vote of twenty-one against fifteen. While these proceedings were going on, there was a dense crowd in the gallery, whose general conduct was orderly and decorous, Mackenzie having previously cautioned them to remain "quiet and passive spectators."

A few days after these arbitrary proceedings on the part of the majority of the House had taken place, Mr. Duncombe made a motion which was intended to bring about a new election for the county of York by a side wind. Mackenzie's friends did not admit that his seat was legally vacant; and therefore they could not vote for the issuing of a writ for a new election. Duncombe's resolution instructed the Speaker to take the necessary steps to have any vacancy in the House forthwith supplied; but it was rejected, as was also a motion proposed by MacNab for issuing a writ for the election of a member for York in the place of Mr. Mackenzie expelled. And so the county of York remained unrepresented during nearly a whole parliament.

A brief review of the whole proceedings will give the best idea of the spirit in which they were conducted. At first, an attempt was made to expel the

obnoxious member because he had, at his own cost, distributed copies of the journals of the House, without note or comment, unaccompanied by the appendix. Next, a pretended libel, published in a newspaper, was made a ground of expulsion, and acted upon. Neither of the articles complained of was half so severe as articles that are now daily published without exciting attention. Then a new libel was discovered, and made the cause of a second expulsion. This time the House stretched the power of privilege to the extent of creating a disqualification unknown to the law. The third time, the House contented itself with giving force to this declared disability. Next time, a unanimous re-election was declared to be no election at all, though the returning officer had returned Mackenzie as duly elected, and no candidate had appeared to oppose him. The fifth time, he was declared expelled, though not allowed by the House to take the oaths or his seat; and the same majority that now expelled him had declared, a short time before, that he was not, and could not be elected, they having assumed that he was incapable of being elected during that parliament. This last time he was, at first, forcibly ejected from the space below the bar on a motion to clear the House of strangers, because, not having taken the oaths which the Speaker urged the commissioners not to administer, he must be treated as a stranger; and then, after he had taken the oath, he

was again forcibly dragged from his seat by the sergeant-at-arms, condemned to silence under the outrage, and threatened with imprisonment. The frequency and the facility with which the majority shifted their ground, showed that all they wanted was a colourable pretext for carrying out a foregone conclusion, to rid themselves of the presence of an opponent who gave them so much trouble.

As in the case of Wilkes, who was expelled from the House of Commons, the whole of the proceedings relating to these expulsions were expunged from the journals of the assembly, being declared subversive of the rights of the whole body of electors of Upper Canada.[1] This was done in the first session of the next parliament, on July 16th, 1835, by a vote of twenty-eight to seven. MacNab voted to expunge his own resolutions, and frankly admitted that the House was wrong in grounding its third expulsion on the fact of the second. From first to last, the proceedings against Mackenzie were conceived in a party spirit, and carried by party votes. No worse description or condemnation of them could be given, seeing that they were in their nature judicial.

[1] Wilkes's expulsion was not pronounced until it was found that he had absconded.

CHAPTER IX

MUNICIPAL AND LATER PARLIAMENTARY CAREER

ON March 6th, 1834, the town of York had its limits extended, and became an incorporated city under the name of Toronto. On March 15th, a proclamation was issued calling an election of aldermen and common councilmen for the twenty-seventh of that month. The Reformers resolved to profit by the circumstances; and, having carried the elections, they selected Mackenzie for mayor, the first mayor not only of Toronto but in the province. The event was looked upon as possessing some political significance, for Toronto was the seat of government and the headquarters of the Family Compact; and, as the sequel proved, it was prophetic of the result of the next parliamentary election in the city.

Mackenzie gave his time gratuitously to the interests of the city, and discharged the duties of mayor with the same vigour that he carried into everything he undertook. The whole machinery of municipal government had to be constructed and set in motion. The city finances were in a condition that much increased the difficulty of the task. The value of all the ratable property in the city was only £121,519, and there was a debt of £9,240. To meet the demands on the city treasury,

it was necessary to levy a rate of three pence currency on the pound. This was regarded as a monstrous piece of fiscal oppression, almost sufficient to justify a small rebellion.[1]

The arms of the city of Toronto, with the motto, "Industry, Intelligence, Integrity," were designed by Mackenzie.

During the term of Mackenzie's mayoralty, cholera revisited the city, and swept away every twentieth inhabitant. Throughout the whole course of the plague, the mayor was at the post of duty and of danger. He sought out the helpless victims of the disease and administered to their wants. He was constant in his attendance at the cholera hospital. In the height of the panic occasioned by this terrible scourge, when nobody else could be induced to take the cholera patients to the hospital, he visited the abodes of the victims, and, placing them in the cholera cart with whatever assistance he could get from the families of the plague-stricken, drove them to the hospital. On some days he made several visits of this kind to the pest-house. Day and night he

[1] "There was," Mackenzie said, "a wonderful outcry raised in Toronto that the inequality of the taxes, and the burthensome extent to which they had been laid upon the citizens, were the acts of the corporation, and still more especially the doings of the mayor. This unfounded statement induced many persons not only to manifest an unwillingness to pay, but also to urge others to withhold payment, and gave the collectors a great deal of trouble; while some of the members of the council were daily met by complainants, to each of whom a long detail of facts had to be gone into, the whole appearing interminable."

gave himself no rest. At length, worn out by fatigue, the disease, from which he had done so much to save others, overtook him. The attack was not of an aggravated nature; and he was fortunate in securing the timely assistance of Dr. Widmer, for medical men were difficult to obtain.

The mayor was also assiduous in his attendance at the police court, where he constantly sat to decide the cases for adjudication. At the mayor's court, too, he presided. Here he had the assistance of juries. His magisterial decisions gave general satisfaction; but he was much censured for putting into the stocks an abandoned creature who had frequently been sent to gaol without any beneficial effect, and who was, on this occasion, excessively abusive to the court. Before the close of his mayoralty, Mackenzie issued a circular stating his determination to decline to come forward again for the city council; but when his friends complained that he had no right to desert the Reform cause, he, at the eleventh hour, permitted his name to be used by the parties who had insisted on nominating him for re-election. The Reformers—for the election was made a party question—were defeated, Mackenzie being rejected on a national cry raised by the friends of R. B. Sullivan, afterwards a member of the bench. On January 5th, 1835, Mackenzie received the unanimous thanks of a public meeting, "for the faithful discharge of his arduous duties during the period of his office."

On December 9th, 1834, the "Canadian Alliance Society" was formed at York. James Lesslie was president, and Mackenzie corresponding secretary. In the declaration of objects, based upon resolutions drawn up and submitted by Mackenzie, for the attainment of which the society was formed, there were eighteen subjects of legislation, fourteen of which were subsequently adopted.[1] In most cases these questions were disposed of in the manner recommended by the Alliance, and in others the deviation therefrom was more or less marked. The objects of the society were denounced by the partisans of the government as revolutionary. Their tendency was certainly democratic; and the carrying out of many of the objects of the Alliance proved how steadily public opinion advanced in that direction.

On his return from England, Mackenzie had announced his intention of giving up the publication of a newspaper. His journal had been carried on by Randall Wickson in his absence. He said he would issue one or two irregular papers, and then stop the publication. He had commenced when Reform was less fashionable, and now there were other

[1] These were: responsible government; abolition of the Crown-nominated legislative council; a more equal taxation of property; abolition of the law of primogeniture; disunion of Church and State; secularization of the Clergy Reserves; provision for the gradual liquidation of the public debt; discontinuance of the undue interference of the colonial office in the local affairs of the province; cheap postage; amendment of the libel law; amendment of jury laws; control of all the provincial revenues by the representatives of the people.

Liberal journals, so that his own could be better spared. But the few fugitive sheets counted up to forty-eight after the announcement was made and before November 4th, 1834, when the last number of the *Colonial Advocate* was published.

When he commenced the arduous, and in those days perilous, task of a Reform journalist, Mackenzie had no enemies among the official party. Setting out with Whig principles, he was driven by the course of events into the advocacy of radical reform. "I entered," he says, "the lists of opposition to the executive because I believed the system of government to be wretchedly bad, and was uninfluenced by any private feeling, or ill-will, or anger, towards any human being whatever." He threw away much of the profits of his business by circulating, at his own expense, an immense number of political documents intended to bring about an amelioration of the wretched system of government then in existence. "Gain," he truly says, "was with me a matter of comparatively small moment: nor do I regret my determination to risk all in the cause of Reform; I would do it again." He did afterwards risk all on the issue of revolution, and lost the game. In 1834, he thought he had done with the press forever. The *Advocate* was incorporated with the *Correspondent*, a paper published by Dr. O'Grady, a Roman Catholic priest, under the name of the *Correspondent and Advocate;* and Mackenzie expressed a wish that no one would

withhold subscriptions from any other paper in the expectation that he would ever again connect himself with the press.

In making an estimate of Mackenzie as a journalist, it may be said that his writings show an uneven temper; but taking them in the mass, and considering the abuses he had to assail, and the virulence of opposition he met—foul slanders, personal abuse, and even attempted assassination —we have reason to be surprised at the moderation of his tone. In mere personal invective he never dealt. He built all his opposition on hard facts, collected with industry and subject to the usual amount of error in the narration. Latterly, he had entirely abandoned the practice of replying to the abusive tirades of business competitors or political opponents. He generally wrote in the first person; and his productions sometimes took the shape of letters to important political personages. His articles were of every possible length, from the terse, compact paragraph to a full newspaper page. On whatever objects exerted, his industry was untiring; and the unceasing labours of the pen, consuming nights as well as days, prematurely wore out a naturally durable frame. Though possessed of a rich fund of humour, his work was too earnest and too serious to admit of his drawing largely upon it as a journalist. Whatever he did, he did with an honest intention; and, though freedom from errors cannot be claimed for him,

it may truly be said that his very faults were the results of generous impulses acted upon with insufficient reflection.

A general election took place in October, 1834. Mackenzie was elected to the assembly by the second riding of York, this being the first election since the division of the county into four ridings. His opponent, Edward Thomson, obtained one hundred and seventy-eight votes against three hundred and thirty-four, and in addition to the personal success of Mackenzie, the party with whom he acted secured a majority in the new House. Bidwell was elected Speaker for the second time. The new House met on January 15th, 1835. On the first vote, the government was left in a minority on a vote of thirty-one against twenty-seven. The solicitor-general branded Bidwell, the new Speaker, as a disloyal man who "wished to overturn the government and institutions of the country."

The letters of Hume to Mackenzie had been denounced by the official party as rank treason. Referring to this circumstance, the address in reply to the governor's speech expressed satisfaction that "His Majesty has received, through your Excellency, from the people of this province, fresh proofs of their devoted loyalty, and of their sincere and earnest desire to maintain and perpetuate the connection with the great empire of which they form so important a part;" proofs which would

"serve to correct any misrepresentations intended to impress His Majesty with the belief that those who desire the reform of many public abuses in the province are not well affected towards His Majesty's person and government." It also deprecated the spirit in which honest differences of opinion had been treated by persons in office, who, on that account, had impeached the loyalty, integrity, and patriotism of their opponents, as calculated "to alienate the affections of His Majesty's loyal people and render them dissatisfied with the administration." "But," the address concluded, "should the government be administered agreeably to the intent, meaning, and spirit of our glorious constitution, the just wishes and constitutional rights of the people duly respected, the honours and patronage of His Majesty indiscriminately bestowed on persons of worth and talent, who enjoy the confidence of the people without regard to their political or religious opinions, and your Excellency's councils filled with moderate, wise, and discreet individuals, who are understood to respect, and to be influenced by, the public voice, we have not the slightest apprehension that the connection between this province and the parent state may long continue to exist, and be a blessing mutually advantageous to both."

A majority of the House rejected an amendment indirectly censuring Hume's "baneful domination"

letter.[1] That gentleman had, in explanation of his letter, accepted an interpretation put upon it by Dr. Morrison, "That Mr. Hume justly regards such conduct [the repeated expulsions of Mr. Mackenzie from the House] on the part of the legislature, countenanced as it was by the Crown officers and other executive functionaries in the assembly, and unredressed by the royal prerogative, as evidence of baneful and tyrannical domination, in which conduct it is both painful and injurious to find the provincial officials systematically upheld by the minister at home against the people."

In the early part of the session, January 26th, 1835, Mackenzie moved for and obtained the celebrated select committee on grievences, whose report, Lord Glenelg stated, was carefully examined by the king, was replied to at great length by the colonial minister, and was taken by Sir Francis Bond Head—so he said—for his guide, but was certainly not followed by him.

[1] This letter is dated, "Bryston Square, 29th of March, 1834" and contains some very strong language. "Your triumphant election," Mr. Hume says, "on the 16th, and ejection from the assembly on the 17th, must hasten the crisis which is fast approaching in the affairs of Canada, and which will terminate in independence and freedom from the baneful domination of the mother country, and the tyrannical conduct of a small and despicable faction in the colony.". . . "I confidently trust," he added, "that the high-minded people of Canada will not, in these days, be overawed or cheated of their rights and liberties by such men as Mr. Stanley and the colonial compact. Your cause is *their* cause; your defeat would be *their* subjugation. Go on, therefore, I beseech you, and success—glorious success—must crown your joint efforts."

As we approach the threshold of an armed insurrection, it is necessary to obtain from those engaged in it their view of the grievances which existed. For this purpose an analysis of the famous "Seventh Report of the Committee on Grievances" will be necessary. Before, doing so, however, let us notice briefly the affairs of the Welland Canal, in which Mackenzie successfully intervened in the public interest.

The canal era preceded that of railroads. In 1824, not a single effort of a practical nature had been made to improve the inland navigation of the province. In 1830, the Rideau had been completed. A vessel of eighty-four tons burthen had, in the previous November, passed through the Welland. The Burlington and the Desjardins Canals were far advanced towards completion. Mackenzie, who had been a warm advocate of internal improvements, obtained a committee, in the session of 1830, to inquire into the management and expenditure of the Welland Canal Company. The whole thing had so much the appearance of a financial juggle—the original estimates of £15,000 to £23,000 having been followed by an expenditure of over £273,000—that curiosity must have been much excited to know by what legerdemain the different steps in the financial scheme had succeeded one another.

On March 6th, 1835, Mackenzie was appointed by the House of Assembly director of the Welland

Canal Company, in respect of the stock owned by the province. He entered into a searching investigation; and if he showed a somewhat too eager anxiety to discover faults, and made some charges against the officers and managers of the company that might be deemed frivolous, he also made startling disclosures of worse than mismanagement. With the impatience of an enthusiast, he published his discoveries before the time came for making his official report, sending them forth in a newspaper-looking sheet entitled *The Welland Canal*, three numbers of which were printed. A libel suit, in which he was cast in damages to the amount of two shillings, resulted from this publication; and Mr. Merritt, president of the company, in the ensuing session of the legislature, moved for a committee to investigate the charge brought against directors and officers of this company. It was a bold stroke on the part of the president; but, unfortunately for the canal management, the committee attested the discovery of large defalcations on the part of the company's officers. Accounts sworn to by the secretary of the company, and laid before the legislature, were proved to be incorrect.[1] Large sums—one

[1] In a letter to Mackenzie dated Toronto, September 16th, 1836, Mr. Francis Hincks, then engaged as an accountant in the investigation, and than whom there was no better judge of accounts, said: "As to the Welland Canal books, I have already said, and I now publicly repeat and am willing to stake my character on the truth of it, that for several years they are full of false and fictitious entries, so much so that if I was on oath I could hardly say whether I believe there are

amount was $2,500--of the company's money had been borrowed by its own officers without the authority of the board. Improvident contracts were shamefully performed. The president, directors, and agents of the company leased water powers to themselves. The company sold, on a credit of ten years, over fifteen thousand acres of land, together with water privileges, for £25,000, to Alexander McDonnell, in trust for an alien of the name of Yates, and allowed him to keep two hundred acres, forming the town plots of Port Colborne and Allanburg. A quarter acre sold at the latter place for $100. The company repurchased the remainder, for which the company's bonds for £17,000 were given to Yates, though all they had received from him was eighteen months interest, the greater part of which he had got back in bonuses and alleged damages said to have arisen from the absence of water power. If such a transaction were to occur in private life, the committee averred, it "would not only be deemed ruinous, but the result of insanity." George Keefer, while a director, became connected

more true or false ones. I am persuaded it is impossible for an accountant who desires to arrive at the truth to investigate them with any satisfaction, particularly as the vouchers are of such a character as to be of little or no service. . . . . It has been clearly proved that large sums of money have been lost to the company, and, of course, to the province, which, if the present directors do their duty, can, in great part, be recovered; yet you, the person who has discovered these losses, and, what is still better, has exposed the system, have been abused in the most virulent manner from one end of the province to the other, and have not obtained the slightest remuneration for your services."

with a contract for the locks. A large number of original estimates, receipts, and other important documents were missing; and no satisfactory account of what had become of them could be obtained. The books were kept in the most slovenly and discreditable manner, being blurred with blunders, suspicious alterations, and erasures. The length of the canal was unnecessarily extended; but if the company suffered from this cause, individuals profited by the operation. Improvident expenditures, all the worse in a company cramped for means, were proved to have been made. One Oliver Phelps owed the company a debt of $30,000 covered by mortgage, which was released by the board without other satisfaction than a deed of some land worth about $2,000. It was not a case of writing off a bad debt, because the property covered by the mortgage was good for the amount. Over $5,000 worth of timber, purchased by the company and not used, was parted with without equivalent. Some of it was stolen, some used by Phelps, who was not charged with it, and some purchased by a member of the assembly, Gilbert M'Micking, in such a way that the company derived no advantage from the sale.

The difference between Mackenzie and the committee of the House was this: he suspected the worst in every case of unfavourable appearances; they were willing to make many allowances for irregularities where positive fraud could not be

proved. The committee carried their leniency further than they were warranted by the facts. In the same sentence in which they acquitted the directors of any intentional abuse of the powers vested in them, they confessed themselves unable to explain the Phelps transaction.

But to return to the "Seventh Report of the Committee on Grievances." In order to understand what were, at this time, the subjects of complaint by the popular party in Upper Canada, the contents of this report must be examined. And to discover the spirit in which these complaints were met in England, the reply of Lord Glenelg, then secretary of state for the colonies, must be consulted. We are not entitled to pass over, as of no interest, the complaints as to these grievances which proved to be the seeds of insurrection, and the prompt response to which would have prevented the catastrophe that followed in less than three years after.

Sir John Colborne had admitted in a despatch to Sir George Murray, February 16th, 1829, that, "composed as the legislative council is at present, the province had a right to complain of the great influence of the executive government in it." In 1829, it comprised seventeen members, exclusive of the Bishop of Quebec, not more than fifteen of whom ever attended; and, of these, six were members of the executive council, and four more held offices under the government. It was no easy

matter, in the then state of the province, to find persons qualified to fill the situation of legislative councillor, and that circumstance had doubtless something to do in determining its character. In 1834 the council contained an additional member, Bishop McDonnell; but he drew an annual salary from the government, and did not therefore, by his presence, tend to increase its independence of the executive. While Sir John Colborne professed to be desirous of seeing the legislative council rendered less dependent upon the Crown, it was in evidence that the executive was in the habit of coercing the members whom it could control. Instances of remarkably sudden changes of opinion, effected by this means, were given. A disseverance of judicial and legislative functions had been frequently asked by the assembly; but the chief justice still continued Speaker of the legislative council.

To the select committee on grievances was referred a number of documents, including the celebrated despatch of Lord Goderich, and the accompanying documents prepared by Mackenzie while in England, the reply of the lieutenant-governor to an address of the assembly for information regarding the dismissal of the Crown officers, the re-appointment of one of them, and the selection of Jameson as attorney-general, together with petitions, viceregal messages, and other documents. The committee examined witnesses as well as

documents, and their report, with documents and evidence, makes a thick octavo volume.

"The almost unlimited extent of the patronage of the Crown, or rather of the colonial minister for the time being," the report declared, was the chief source of colonial discontent. "Such," it added, "is the patronage of the colonial office, that the granting or withholding of supplies is of no political importance, unless as an indication of the opinion of the country concerning the character of the government." Mr. Stanley, while in communication with Dr. Baldwin as chairman of a public meeting in York some years before, had pointed to the constitutional remedies of "addressing for the removal of the advisers of the Crown, and refusing supplies." The former remedy had been twice tried, but without producing any good effect, and almost without eliciting a civil reply. The second was hereafter to be resorted to. When the province first came under the dominion of the British Crown, certain taxes were imposed by imperial statute for the support of the local government. In time, as the House of Assembly acquired some importance and had attracted some able men, the control of these revenues became an object of jealousy and desire. Before there had been any serious agitation on the subject in Upper Canada, these revenues were surrendered in exchange for a permanent civil list. An opportune moment was chosen for effecting this change. Neither of the two previous

Houses would have assented to the arrangement, nor would the present legislature so long as there were no other constitutional means of bringing the administration to account than that which might have been obtained by a control of the purse strings. The granting of a permanent civil list had looked to the Reformers like throwing away the only means of control over the administration. Indirectly the executive controlled what was, properly speaking, the municipal expenditure. Magistrates appointed by the Crown met in quarter sessions to dispose of the local taxes. The bench of magistrates in the eastern district had, that very session, refused to render the House an account of their expenditure. The old objections to the post-office being under the control of the imperial government were reiterated. The patronage of the Crown was stated to cover £50,000 a year, in the shape of salaries and other payments, exclusive of the Clergy Reserve revenue, the whole of the money being raised within the province. The £4,472, which had annually come from England for the Church of England, had been withdrawn in 1834. Considering the poverty of the province, the scale of salaries was relatively much higher than at present. Ten persons were in receipt of $4,000 a year each for their public services.

The mode of treating the salaries received by the public functionaries, pursued in this report, is

not free from objection. The bare statement that "the Hon. John H. Dunn has received £11,534 of public money since 1827," proved nothing; yet the aggregate sum was calculated to create the impression that there was something wrong about it. Some salaries and fees were undoubtedly excessive. Mr. Ruttan received in fees, as sheriff of the Newcastle district, in 1834, £1,040, and in the previous year, £1,180. Pensions had been pretty freely dispensed out of the Crown revenue. Under the head of pensions, £30,500 is set down as having been paid to eleven individuals within eight years; but the payment to Bishop McDonnell should hardly have come under that designation. While the Church of England received the proceeds of the Clergy Reserves, annual payments were made by the government to several other denominations. Profuse professions of loyalty sometimes accompanied applications for such payments; and there seemed to be no shame in confessing something like an equivalent in political support. The Church of England managed to get the lion's share; and this naturally brought down on her the envy and jealousy of other denominations. Of twenty-three thousand nine hundred and five acres of public lands set apart as glebes, between 1789 and 1833, the Church of England had obtained twenty-two thousand three hundred and forty-five acres.

It was complained that much of the money

granted for general purposes was very imperfectly accounted for. "The remedy," said the report, "would be a board of audit, the proceedings of which should be regulated by a well-considered statute, under a responsible government." In due time, both these things came, Mackenzie having been in these, as in numberless other instances, in advance of the times. Justices of the peace, it was complained, had been selected almost entirely from one political party. The necessity of a responsible administration, for any effectual reform of abuse, had been frequently insisted on by Mackenzie. "One great excellence of the English constitution," says this report, "consists in the limits it imposes on the will of a king, by requiring responsible men to give effect to it. In Upper Canada no such responsibility can exist. The lieutenant-governor and the British ministry hold in their hands the whole patronage of the province; they hold the sole dominion of the country, and leave the representative branch of the legislature powerless and dependent." English statesmen were far from realizing the necessity of making the colonial government responsible; and, for some years after, the official idea continued to be that such a system was incompatible with colonial dependence. Mr. Stanley had been one of the few who thought that "something might be done, with great advantage, to give a really responsible character to the executive council, which at present is a perfectly anomalous body, hardly

recognized by the constitution, and chiefly effective as a source of patronage." Only a few years before, Attorney-General Robinson had denied the existence of a ministry in Upper Canada, and claimed the right to act solely upon his own individual responsibility in the House, and without reference to any supposed necessity for agreement with his colleagues. And Lord Goderich held that the colonial governors were alone responsible. He complained that the legislative councils had been used "as instruments for relieving governors from the responsibility they ought to have borne for the rejection of measures which have been proposed by the other branch of the legislature, and have not seldom involved them in dissensions which it would have been more prudent to decline. The effect of the constitution, therefore," he added, "is too often to induce a collision between the different branches of the legislature, to exempt the governor from a due sense of responsibility, and to deprive the representative body of some of its most useful members." The executive council had scarcely any recognized duties beyond those which were merely ministerial. The governor did not feel bound to ask the advice of his councillors, or to act upon it when given. In appointments to office, they were, as a rule, not consulted. The giving or withholding of the royal assent to bills passed by the legislature was a matter entirely in the hands of the governor. Yet the executive council was recognized by the

Constitutional Act; and cases were specially mentioned in which the governor was required to act upon their advice. The governor, coming a stranger to the province, could not act without advice; and he was lucky if he escaped the toils of some designing favourite who had access to his presence and could determine his general course. The habit of sending out military governors, who were wholly unsuited for civil administration, was in vogue. The only excuse for pursuing this course was that a lieutenant-governorship was not a sufficient prize to attract men of first-rate abilities. There was great diversity of opinion as to the possible success of responsible government. It had never been tried in any of the old colonies. Mackenzie, while in England, had endeavoured to convince Lord Goderich that, with some modifications, it might be made the means of improving the colonial government. The sum of the whole matter was that the existing system made the governor responsible, in the absence of responsible advisers by whom he might have been personally relieved; and he, in turn, was only too glad to make the legislative council perform the functions which, on questions of legislation, naturally belonged to a responsible administration. He had them under his control.

The grievance committee insisted on the necessity of entire confidence between the executive and the House of Assembly. "This confidence," it was

truly added, "cannot exist while those who have long and deservedly lost the esteem of the country are continued in the public offices and councils. Under such a state of things," it said, "distrust is unavoidable, however much it is to be deplored as incompatible with the satisfactory discharge of the public business." The demand for entire confidence between the executive and the House of Assembly was based upon "the growing condition of this part of the Empire in population, wealth and commerce." The committee perhaps meant the inference to be drawn that the necessity for responsible government had not been perceived in the earlier stages of colonial existence. From the facts before them, the committee concluded that the second branch of the legislature had failed to answer the purpose of its institution, and could "never be made to answer the end for which it was created," and that "the restoration of legislative harmony and good government requires its reconstruction on the elective principle."

Although many may think this an erroneous opinion, it cannot be matter of surprise that it should have found expression. The legislative council, owing its creation to the Crown, and its members being appointed for life, found itself in constant collision with the representative chamber. This collision created irritation; and the people naturally took the part of their representatives in the contest. If there had been an executive council to bear the re-

sponsibility that was thrown on this branch of the legislature, a change of ministry would have obviated the desire for a change of system. The legislative council would have been modified by having additions made to its numbers, as was done after the inauguration of responsible government; and the second chamber, being kept in harmony with the popular will, would not have been attacked in its constitution. The opinion that the council ought to be made elective was not confined to Canada; it had been shared by several English statesmen, including Sir James Mackintosh, Mr. Stanley, and Mr. Labouchere. Instances were also adverted to by the committee, in which the members of the local executive had prevented the good intentions of the imperial government being carried into effect. Such, in brief, was the famous report of the committee of grievances.[1]

It elicited from the secretary of state for the colonies a reply which we must now proceed to

[1] Whether from oversight or whatever cause, the grievance report had not been adopted by the House, though two thousand copies had been ordered to be printed in an unusual form, and had been distributed. On February 6th, 1836, however, the assembly resolved, by a vote of twenty-four against fifteen, "that the facts and opinions embodied in that report continue to receive the full and deliberate sanction and confirmation of the House and the people whom it represents; and that it is our earnest desire that the many important measures of reform recommended in that report may be speedily carried into effect by an administration deservedly possessing the public confidence." A copy of this resolution was ordered to be sent to the secretary of state for the colonies. It was passed a week after Lord Glenelg's despatch had been laid before the legislature.

consider. But before the reply came, Lord Glenelg, on October 20th, 1835, conveyed to Canada the assurance that the king, having had the report before him, "has been pleased to devote as much of his time and attention as has been compatible with the shortness of the period which has elapsed since the arrival in this country" of the despatch enclosing the document.

In the ordinary course of events, the Upper Canada legislature would have met in November; but so important was it deemed that the report should be responded to, that Major-General Colborne was directed to delay the calling of the House till the ensuing January—a delay of three months. At the same time, an assurance was conveyed that the House would find, in the promised communications, "conclusive proof of the desire and fixed purpose of the king to redress every real grievance, affecting any class of His Majesty's subjects in Upper Canada, which has been brought to His Majesty's notice by their representatives in provincial parliament assembled." A belief was at the same time expressed, that the assembly "would not propose any measure incompatible with the great fundamental principles of the constitution," which, in point of fact, had been systematically violated by the ruling party.

Soon after, in addressing the assembly, Mackenzie said: "I would impress upon the House the importance of two things: the necessity of

getting control of the revenue raised in this country, and control over the men sent out here to govern us, by placing them under the direction of responsible advisers." The House, about the same time, addressed the governor for information "in respect to the powers, duties, and responsibilities of the executive council; how far that body is responsible for the acts of the executive government; and how far the lieutenant-governor is authorized by His Majesty to act with or against their advice." The governor replied that the executive council had no powers but such as were conferred on it by "the express provisions of British or colonial statutes," about which the House knew as much as he. However, he condescended to proceed to particulars. "It was necessary," he said, "that they should concur with the lieutenant-governor in deciding upon applications for lands, and making regulations relative to the Crown Lands Department." He admitted that these duties were additional to those imposed by statute. "It was also," His Excellency proceeded to state, "the duty of the executive council to afford their advice to the lieutenant-governor upon all public matters referred to them for their consideration." He himself, as well as his council, was responsible to the imperial government and removable at the pleasure of the king. Where, by statute, the concurrence of the executive council was required to any Act of the government, it could not be dispensed with, and in such case the executive council

must share the responsibility of the particular Act. But the lieutenant-governor claimed the right to exercise "his judgment in regard to demanding the assistance and advice of the executive council, except he is confined to a certain course by the instructions of His Majesty." The governor thus fairly expressed the official view of ministerial responsibility, as was afterwards shown by Sir Francis Bond Head's instructions on his appointment to the lieutenant-governorship of Upper Canada.

The promised reply of Lord Glenelg was dated December 15th, 1835. It took the shape of instructions to Sir Francis Bond Head on his appointment to the lieutenant-governorship of Upper Canada.[1] The patronage at the disposal of the Crown, which had been so much complained of, had been swelled by the practice of confiding to the government or its officers the prosecution of all offences. But this circumstance was declared by Lord Glenelg to be no proof of any peculiar avidity on the part of the executive for the exercise of such power. The transfer of the patronage to

[1] Head, who had been instructed to communicate the substance of these instructions to the legislature, laid the entire despatch before the two Houses, a proceeding for which he incurred the disapprobation of the colonial office, and of the British public. He admitted that he was aware the proceedings would embarrass Lord Glenelg; but he excused himself by alleging that the original draft of the despatch authorized him to communicate a copy of it; as if the original intention of the colonial minister ought to supersede the final decision of the minister and the sovereign. The king had made the alteration with his own hand.

any popular body was objected to as tending to make public officers virtually irresponsible, and to the destruction of the "discipline and subordination which connect together, in one unbroken chain, the king and his representative in the province, down to the lowest functionary to whom any portion of the powers of the State may be confided." The selection of public officers, it was laid down, must for the most part be entrusted to the head of the local government; but there were cases in which the analogy of English practice would permit a transference of patronage from the governor to others. Whatever was necessary to ensure subordination to the head of the government was to be retained; everything beyond this was at once to be abandoned. Subordinate public functionaries were to continue to hold their offices at the pleasure of the Crown. They incurred no danger of dismissal except for misconduct; and great evils would result from making them independent of their superior. The new governor was instructed to enter upon a review of the offices in the gift of the Crown, with a view of ascertaining to what extent it would be possible to reduce them without impairing the efficiency of the public service, and to report the result of his investigation to the colonial secretary. He might make a reduction of offices either by abolition or consolidation; but any appointment made, under those circumstances, would be provisional and subject to the

final decision of the imperial government. In case of abolition, the deprived official was to receive a reasonable compensation. What share of the patronage of the Crown, or of the local government could be transferred to other hands, was to be reported. A comparison of claims or personal qualifications was to be the sole rule for appointments to office. As a general rule, no person, not a native or settled resident, was to be selected for public employment. In case of any peculiar art or science, of which no local candidate had a competent knowledge, an exception was to be made. In selecting the officers attached to his own person, the governor was to be under no restriction. Appointments to all offices of the value of over £200 a year were to be only provisionally made by the governor, with a distinct intimation to the persons accepting them that their confirmation must depend upon the approbation of the imperial government, which required to be furnished with the grounds and motives on which each appointment had been made. The hope was expressed that, unless in an extreme emergency, the House would not carry out the menaced refusal of supplies.

If these instructions from the colonial office showed a disposition to treat the colonists with consideration, it was the sort of consideration which we bestow upon persons wholly incapable of managing their own affairs.

To any measure of retrenchment, compatible with the just claims of the public officers and the efficient performance of the public duties, the king would cheerfully assent. The assembly might appoint a commission to fix a scale of public salaries. The pensions already granted and made payable out of the Crown revenues were held to constitute a debt, to the payment of which the honour of the king was pledged; and on no consideration would His Majesty "assent to the violation of any engagement lawfully and advisedly entered into by himself or any of his royal predecessors." At the same time, the law might fix, at a reasonable limit, the amount of future pensions; and to any such measure the governor was instructed to give the assent of the Crown.

The assembly was anxious to dispose of the Clergy Reserves, and place the proceeds under the control of the legislature. The other chamber objected; and Lord Glenelg urged strong constitutional reasons against the imperial parliament exercising the interference which the assembly had invoked. And it must be confessed that, in this respect, the assembly's demand was not consistent with its general principles or with those contended for by the popular party. It was easy in this case to put the assembly in the wrong; and Lord Glenelg made the most of the opportunity. But, with strange inconsistency, the imperial government in 1840 assumed, at the dictation of

the bishops, a trust which five years before they had refused to accept at the solicitation of the Canadian assembly, on the ground of its unconstitutionality. Lord Glenelg admitted that the time might arrive, if the two branches of the Canadian legislature continued to disagree on the subject, when the interposition of the imperial parliament might become necessary; but the time selected for interference was when the two branches of the local legislature had, for the first time, come to an agreement and sent to England a bill for the settlement of the question.

On the question of King's College and the principles on which it should be conducted, the two Houses displayed an obstinate difference of opinion, and the governor was instructed, on behalf of the king, to mediate between them. The basis of the mediation included a study of theology; and it was impossible satisfactorily, in a mixed community, to do this with a hope of giving general satisfaction. This college question having once been placed under the control of the local legislature, Lord Glenelg could not recommend its withdrawal at the instance of one of the two Houses.

The suggestion for establishing a board of audit was concurred in. As a fear had been expressed that the legislative council would oppose a bill for such a purpose, the governor was authorized to establish a board of audit provisionally, till the two Houses could agree upon a law for the

regulation of the board. Lord Glenelg objected to the enactment of a statute requiring that the accounts of the public revenue should be laid before the legislature at a particular time and by persons to be named, since this would confer on them the right to "exercise a control over all the functions of the executive government," and give them a right to inspect the records of all public offices to such an extent as would leave "His Majesty's representative and all other public functionaries little more than a dependent and subordinate authority." Besides, it was assumed they would be virtually irresponsible and independent. At the same time, the governor was to be prepared at all times to give such information as the House might require respecting the public revenue, except in some extreme case where a great public interest would be endangered by compliance.

Rules were even laid down for the regulation of the personal intercourse of the governor with the House. He was to receive their addresses with the most studious courtesy and attention, and frankly and cheerfully to concede to their wishes as far as his duty to the king would permit. Should he ever find it necessary to differ from them, he was to explain the reasons for his conduct in the most conciliatory terms. Magistrates who might be appointed were to be selected from persons of undoubted loyalty, without reference to political considerations. The

celebrated despatch of Lord Goderich, written in consequence of the representations made by Mackenzie while in England, was to be a rule for the guidance of the conduct of Sir Francis Bond Head.

On the great question of executive responsibility Lord Glenelg totally failed to meet the expectations expressed in the grievance report to which he was replying. He did more; he assumed that "the administration of public affairs, in Canada, is by no means exempt from the control of a sufficient practical responsibility. To His Majesty and to parliament," it was added, "the governor of Upper Canada is at all times most fully responsible for his official acts." Under this system the lieutenant-governor might wield all the powers of the government, and was even bound to do so, since he was the only one who could be called to account. The assembly, if they had any grounds of complaint against the executive, were told that they must seek redress, not by demanding a removal of the executive council, but by addressing the sovereign against the acts of his representative. Every executive councillor was to depend for the tenure of his office, not on the will of the assembly, but on the pleasure of the Crown. And in this way responsibility to the central authority in Downing Street, of all the public affairs in the province, was to be enforced. The members of the local government might or might not have seats in the legislature. Any member holding a seat in the legislature was

required blindly to obey the behests of the governor on pain of instant dismissal. By this means it was hoped to preserve the head of the government from the imputation of insincerity, and to conduct the administration with firmness and decision.

These instructions embody principles which might have been successfully worked out by a governor and council; but they were inapplicable in the presence of a legislature. There was no pretence that the system was constitutional, and the elective chamber must be a nullity when the Crown-nominated legislative council can at any time be successfully played off against it. As for responsibility to the Canadian people through their representatives, there was none. All the powers of the government were centralized in Downing Street, and all the colonial officers, from the highest to the lowest, were puppets in the hands of the secretary of state for the colonies. At the same time, the outward trappings of a constitutional system, intended to amuse the colonists, served no other end than to irritate and exasperate men who had penetration enough to detect the mockery, and whose self-respect made them abhor the sham.

In November, 1835, Mackenzie visited Quebec in company with Dr. O'Grady. They went, as a deputation from leading and influential Reformers in Upper Canada, to bring about a closer alliance between the Reformers in the two provinces. In the Lower Province affairs were approaching a crisis

more rapidly than in the west. The difficulties arising out of the control of the revenue had led to the refusal of the supplies by the Lower Canada assembly; and, in 1834, £31,000 sterling had been taken out of the military chest, by the orders of the imperial government, to pay the salaries and contingencies of the judges and the other public officers of the Crown, under the hope that, when the difficulties were accommodated, the assembly would reimburse the amount. But the difficulties, instead of finding a solution, continued to increase. As the grievances of which the majority in the two provinces complained had much in common, the respective leaders began to make common cause. The provinces had had their causes of difference arising out of the distribution of the revenue collected at Quebec. But the political sympathies of the popular party in each province were becoming stronger than the prejudices engendered by the fiscal difficulties which had acted as a mutual repulsion. Mackenzie and his co-delegate met a cordial and affectionate welcome. This expression of sympathy, extending to all classes of Reformers, was expected to prove to the authorities, both in Canada and England, "that the tide is setting in with such irresistible force against bad government, that, if they do not yield to it before long, it will shortly overwhelm them in its rapid and onward progress." Mackenzie was on good terms with Papineau, whose word was law in the assembly of

Lower Canada, of which he was Speaker, but who, in committee of the whole, used the greatest freedom of debate. This visit resulted in establishing a better understanding between the Reformers of the two provinces.

In December, 1835, Mackenzie addressed a long letter to Joseph Hume, in which he explained that the Reformers of both provinces directed their exertions mainly to the accomplishment of four objects: an elective legislative council, an executive council responsible to public opinion, the control of the whole provincial revenues, and a cessation of interference on the part of the colonial office—"not one of which," he said, "I believe will be conceded till it is too late."[1] The prediction proved to be correct; but all these changes were effected after the insurrection of 1837. He tendered his thanks to Mr. Hume for his exertions on behalf of Canada in these words:—

"On behalf of thousands whom you have benefited, on behalf of the country so far as it has had confidence in me, I do most sincerely thank you for the kind and considerate interest you have

[1] Though all these objects were afterwards carried into effect, Sir Francis Bond Head regarded their advocacy as proof of treasonable designs. In a despatch to Lord Glenelg, dated June 22nd, 1836, after quoting the above passage, he says: "As the Republicans in the Canadas generally mask their designs by professions of attachment to the mother country, I think it important to record this admission on the part of Mackenzie of the traitorous object which the Reformers in this province have in view."

taken in the welfare of a distant people. To your generous exertions it is owing that tens of thousands of our citizens are not at this day branded as rebels and aliens; and to you alone it is owing that our petitions have sometimes been treated with ordinary courtesy at the colonial office.

"We have wearied you with our complaints, and occupied many of those valuable hours which you would have otherwise given to the people of England. But the time may come when Canada, relieved from her shackles, will be in a situation to prove that her children are not ungrateful to those who are now, in time of need, their disinterested benefactors."

A shadowy idea of independence appears already to have been floating in men's minds; and it found expression in such terms as are employed in his letter about Canada being relieved of her shackles.

CHAPTER X

SIR FRANCIS BOND HEAD'S ARBITRARY METHODS

ON January 14th, 1836, Sir Francis Bond Head, who had just arrived in the province as lieutenant-governor, opened the session of the Upper Canada legislature.[1] The royal speech, in referring to the dissensions that had taken place in Lower Canada, and to the labours of the imperial commissioners, Lord Gosford, Sir Charles Grey and Sir George Gipps, appointed to inquire into the grievances complained of, assured the House that, whatever recommendations might be made as the result of this inquiry, the constitution of the provinces would be firmly maintained. As the constitution of the legislative council was one of the subjects of inquiry, this information could not be very consolatory to the Reformers.

[1] Sir Francis afterwards admitted, with admirable candour, that he "was really grossly ignorant of everything that in any way related to the government of our colonies." He was somehow connected with paupers and poor laws in England when he was appointed; and was totally unfitted by experience and temperament to be lieutenant-governor of any important dependency of the British Crown. How Lord Glenelg could have stumbled upon so much incapacity, is as great a mystery to the Canadians, at this day, as it was to Sir Francis when, at his lodgings at Romney, in the county of Kent, his servant, with a tallow candle in one hand and a letter brought by a king's officer in the other, enabled him to make the discovery that he had been offered the lieutenant-governorship of Upper Canada.

During the session, Mackenzie carried an address to the king on the subject of the restraints imposed upon the province by the commercial legislation of the mother country. British goods could not pass through the United States, on their way to Canada, without being subjected to the American duty; and the address prayed that the sovereign would negotiate with the Washington government for the free passage of such goods. The facility of transport thus asked for was fully secured by the United States Bonding Act passed ten years after. For the purpose of upholding the monopoly of the East India Company, not an ounce of tea could be imported into Canada by way of the United States. The abolition of this monopoly was demanded. Canadian lumber and wheat were heavily taxed—twenty-five cents a bushel on the latter—on their admission into the United States; the same articles coming thence into the province were free of duty. Mackenzie anticipated by eighteen years the Reciprocity Treaty of 1854. The address prayed "that His Majesty would cause such representations to be made to the government of the United States as might have a tendency to place this interesting branch of Canadian commerce on a footing of reciprocity between the two countries." Nor did he stop here. He thought it right that this principle of reciprocity should be extended to all articles admitted by Canada free of duty from the United States.

Sir Francis Bond Head, unused to government, had been instructed by the colonial secretary in the rules of official etiquette and courtesy which he was to observe; and, in answering this address, he did not assume that objectionable tone which shortly afterwards marked his utter unfitness for the position to which he had been appointed. In regard to the removal of the Crown officers, there was a despatch marked "confidential," and which for that reason he did not produce. He had no means of explaining the continuance in office of Hagerman, further than that his reinstatement was the result of exculpatory evidence offered by that person while in England. The governor could require, and, if necessary, insist on the resignation of officials who might openly or covertly oppose the measures of his government; but he would not take a retrospective view of their conduct, or question the wisdom of what had been done by his predecessors, in this respect. He applied the same rule to appointments made to the legislative council; he could not undertake to judge of the principles that guided his predecessor. Lord Ripon, he considered, in giving his opinion of the presence of the Roman Catholic bishop and the Anglican archdeacon in the legislative council, had expressed no intention in reference to them. Sir Francis confessed, with maladroitness, to the existence of despatches which he did not feel at liberty to communicate; besides the one already mentioned, he had received another dated Sep-

tember 12th, 1835, and containing observations on the grievance report. He asked from the House the consideration due to a stranger to the province, unconnected with the differences of party, entrusted by his sovereign with instructions "to correct, cautiously, yet effectually, all real grievances," while maintaining the constitution inviolate.

During this session an event occurred which, though Mackenzie was not directly connected with it, had an important bearing on the general course of affairs that eventually lead to the armed insurrection in which he was a prominent actor. It is necessary to a clear comprehension of all the circumstances which produced this crisis, that the event should be briefly related.

On February 20th, 1836, Sir Francis called three new members to the executive council, John Henry Dunn, Robert Baldwin, and John Rolph. The two latter were prominent members of the Reform party, and Dunn had long held the office of receiver-general. Their appointment was hailed as the dawn of a new and better order of things, and the governor professed, with what sincerity will hereafter appear, a desire to reform all real abuses. On March 4th these gentlemen, with the other three members of the executive council,[1] resigned. They complained that they had incurred the odium of being held accountable for measures which they had never advised, and for a policy to which they

[1] Peter Robinson, George H. Markland, and Joseph Wells.

were strangers. That the three Tory members of the council should have joined in the resignation shows the irresistible force which the popular demand, put forward by Mackenzie and others for a responsible administration, carried with it. The current was too strong to leave a reasonable hope of their being able to make way against it. But what they shrank from undertaking, Sir Francis was to try, by the aid of more supple instruments, to accomplish. The six councillors, on tendering their resignations, insisted on the constitutional right of being consulted on the affairs of the province generally, and resorted to some elaboration of argument to prove that their claim had an immovable foundation in the provincial charter.

The governor, on the other hand, contended that he alone was responsible, being liable to removal and impeachment for misconduct, and that he was at liberty to have recourse to their advice only when he required it; but that to consult them on all the questions that he was called upon to decide would be "utterly impossible." His political theory was very simple. "The lieutenant-governor maintains," he said, "that responsibility to the people, who are already represented in the House of Assembly, is unconstitutional; that it is the duty of the council to serve him, not them"— a doctrine that was soon to meet a practical rebuke from his official superiors in England.

The answer of His Excellency was sent to a

select committee of the House, who made an elaborate report in which the governor's treatment of his council was censured in no measured terms. The increasing dissatisfaction which had been produced by the maladministration of Governors Gore, Maitland, and Colborne, was said to have become general. The new appointments to the executive council of liberal men, made by Sir Francis, were stigmatized as "a deceitful manœuvre to gain credit with the country for liberal feelings and intentions when none existed;" and it was declared to be matter of notoriety that His Excellency had "given his confidence to, and was acting under, the influence of secret and unsworn advisers." "If," they said, "all the odium which has been poured upon the old executive council had been charged, as His Excellency proposes, upon the lieutenant-governors, their residence [in the province] would not have been very tolerable, and their authority would have become weakened or destroyed." The authority of Governor Simcoe, whose appointment followed close after the passing of the Constitutional Act of 1791, was adduced to show that "the very image and transcript" of the British constitution had been given to Canada. The governor was charged with having "assumed the government with most unhappy prejudices against the country," and with acting "with the temerity of a stranger and the assurance of an old inhabitant." Much warmth of feeling was shown

throughout the entire report, and the committee gave it as their opinion that the House had no alternative left "but to abandon their privileges and honour, and to betray their duties and the rights of the people, or to withhold the supplies."[1] "All we have done," it was added, "will otherwise be deemed idle bravado, contemptible in itself, and disgraceful to the House."

The House adopted the report of the committee on a vote of thirty-two against twenty-one; and thus committed itself to the extreme measure of a refusal of the supplies. To the resolution adopting the report, a declaration was added that a responsible government was constitutionally established in the province.

In the debate on the question of adopting the report, the Tories took the ground that responsible government meant separation from England. "The moment," said Mr. McLean, "we establish the doctrine in practice, we are free from the mother country." Assuming that the imperial government would take this view of the matter, Solicitor-

[1] The object of the assembly in stopping, or rather restricting, the supplies, was to embarrass the government. They did not go to the extent of refusing all money votes, but granted different sums for roads, war losses, the post-office, schools, and the improvement of navigation. Twelve of these bills Sir Francis reserved, in the hope that he would be enabled to embarrass the machinery of the legislature if they were vetoed in England. But, much to his disgust, they were assented to by his sovereign. When he received the despatch containing the assent to these bills, he at first thought of suppressing it, but on sober second thought he transmitted it to the legislature.

General Hagerman covertly threatened the majority of the House with the vengeance of "more than one hundred and fifty thousand men, loyal and true." The temper of both parties was violent, for already were generating those turbulent passions of which civil war was to be the final expression.

Sir Francis, having received an address adopted at a public meeting of the citizens of Toronto, assured the members of the deputation who presented it, that he should feel it his duty to reply with as much attention as if it had proceeded from either branch of the legislature; but that he should express himself "in plainer and more homely language." This was regarded as a slight to the inferior capacity of the "many-headed monster," and was resented with a bitterness which twenty years were too short to eradicate.

The deputation left the viceregal residence inspired by a common feeling of indignation at what they conceived to be intentional slights put upon them. It was soon resolved to repay the official insolence with a rejoinder. Dr. Rolph and Mr. O'Grady prepared the document. "We thank your Excellency," said the opening sentence, "for replying to our address, 'principally from the industrial classes of the city,' with as much attention as if it had proceeded from either branch of the legislature; and we are duly sensible, in receiving your Excellency's reply, of your great condescension in endeavouring to express yourself

in plainer and more homely language, presumed by your Excellency to be thereby brought down to the lower level of our plainer and more homely understandings." They then pretended to explain the deplorable neglect of their education by the maladministration of former governments. "It is," they added, "because we have been thus maltreated, neglected, and despised in our education and interests, under the system of government that has hitherto prevailed, that we are now driven to insist upon a change that cannot be for the worse." The change they desired to bring about was "cheap, honest, and responsible government."

After referring to the cases of Gourlay, Collins, Randal, Justice Willis and Captain Matthews, they proceeded: "And even your Excellency has disclosed a secret despatch to the minister in Downing Street (the very alleged tribunal of justice), containing most libellous matter against William Lyon Mackenzie, Esq., M.P.P., a gentleman known chiefly for his untiring services for his adopted and grateful country. We will not wait," they plainly told the governor, "for the immolation of any other of our public men, sacrificed to a nominal responsibility which we blush we have so long endured to the ruin of so many of His Majesty's dutiful and loyal subjects." After an elaborate argument to prove the necessity of a responsible administration, the rejoinder concluded by what Mackenzie, in a manuscript note he has

left, calls "the first low murmur of insurrection." "If your Excellency," the menace ran, "will not govern us upon these principles, you will exercise arbitrary sway, you will violate our charter, virtually abrogate our law, and justly forfeit our submission to your authority."

It was arranged that Lesslie and Ketchum should drive to Government House, deliver the document, and retire before there was time for any questions to be asked. They did so, simply saying they came from the deputation of citizens. Sir Francis did not even know who were the bearers of the unwelcome missile. He sent it, in a passion, to George Ridout, on the supposition that he had been concerned in the delivery. Ridout sent it back. It was in type before being despatched, and, scarcely had it reached the governor, when a printed copy of it was in the hands of every member of the House.

On March 14th, four new executive councillors were appointed, namely, Robert Baldwin Sullivan, William Allan, Augustus Baldwin, and John Elmsley. The last had resigned his seat in the executive council some years before, on the ground that he could not continue to hold it and act independently as a legislative councillor, though the principle of dependence had never before been pushed to the same extent as now. Three days after these appointments were announced, the House declared its "entire want of confidence" in

the men whom Sir Francis had called to his council. The vote was thirty-two against eighteen. An address to the governor embodying this declaration of non-confidence, and expressing regret that His Excellency should have caused the previous council to tender their resignation while he declared his continued esteem for their talents and integrity, was subsequently passed on a division of thirty-two against nineteen.

The popular party had unintentionally given an incidental sanction to the assumptions of the governor, founded on the despatch of Lord Goderich on the dismissal of the Crown officers in 1833. Their removal was the result of their opposition in the legislature to the expressed wishes of the imperial government. In procuring the annulment of the bank charters, Mackenzie was not sustained by the party with whom he acted, and by whom the dismissal of the Crown officers was gratefully accepted. It was the misfortune of Sir Francis to be required to carry out the principle of complete subordination of all the officers of the local government to the Downing Street authorities, at a time when the disposition of the colonists to repudiate that system, and to insist on the responsibility of the executive council to the assembly, had become irresistible. But he showed the greatest reluctance to deviate from this course after he received a confidential despatch from Lord Glenelg, dated September 30th, 1836, laying it down as a principle that,

in the British American provinces, the executive councils should be composed of individuals possessing the confidence of the people. Every Canadian who had advocated this principle had been set down by Sir Francis as a republican and a traitor, and the principle itself he had denounced as unconstitutional. Sir Francis conceived his mission to be to fight and conquer what he called the "low-bred antagonist-democracy." He thought the battle was to be won by steadily opposing "the fatal policy of concession," keeping the Tories in office, and putting down the party which he indifferently designated Reformers, Radicals, and Republicans. He thought himself entitled to claim credit for having, by his reply to "the industrial classes of Toronto," caused a scene of violence at a public meeting, at which, he relates to Lord Glenelg with much satisfaction, "Mr. Mackenzie totally failed in gaining attention," and Dr. Morrison, who was then mayor of Toronto, "was collared and severely shaken." "The whole affair," he adds, "was so completely stifled by the indignation of the people, that the meeting was dissolved without the passing of a single resolution."

The governor, who had completely thrown himself into the hands of the Family Compact, had other schemes for influencing the constituencies in favour of one party and against another; for he was not long in resolving to dissolve a House that

voted only such supplies as would subserve the purposes of the majority, while it withheld others of which the want tended to embarrass the machinery of the government. This dissolution of the assembly, which took place on May 28th, 1836, was in effect a declaration of war.

Amongst the bills passed by the legislature were twelve money bills, which were reserved by His Excellency. The avowed object of reserving the bills was to deprive the majority of the House of what might be so distributed as to conduce to their re-election. On motion of Mr. Perry, the House had adopted the vicious principle of making the members of the legislature a committee for expending the £50,000 road money granted; and there was some point in the observation of Sir Francis that this member's name appeared too often in connection with such expenditures. But, although the reservation of these money bills did not lead to their being vetoed, the effect on the constituencies was the same. The elections were over before it was known that the royal assent had been given in opposition to the recommendation of the governor, who took care to make it understood that on this question he had the concurrence of his council.

Before the elections were announced, steps were taken, of which Sir Francis appears to have been cognizant, for procuring petitions in favour of a dissolution of the House. Perhaps they were suggested by himself or his council. Certain it is that

he had timely warning of petitions in process of being signed, some time before they were presented. The Tory press divided the country into two parties, one of whom was represented to be in favour of maintaining the supremacy of the British Crown in the province, and the other as being composed of traitors and republicans. This representation was transferred from partisan newspapers to official despatches and replies to admiring addresses. Timid persons were awed into inactivity, not thinking it prudent to appear at the polls, where their presence would have caused them to be branded as revolutionists. The Tories subscribed largely for election purposes; votes were manufactured and violence resorted to.

By such means was Sir Francis afterwards enabled to boast of the perilous success he had achieved. Having dissolved the assembly because it proved unbending, he determined that he would personally see to it that the new House was one willing to submit to his dictation. It is not often that a governor has so mixed himself up in election contests. He had in fact done everything upon his own responsibility, having never consulted the imperial government, to whose directions he professed to feel it his duty to pay implicit obedience. He had written to Lord Glenelg informing him that it was his intention to dissolve the House, and instructing him—as if he were the superior—to send him no orders on the subject. Nor was this the only occa-

sion on which he undertook to transmit his orders to Downing Street. When, in the spring of 1836, Robert Baldwin, one of his late councillors, started for England, he described him to Lord Glenelg as an agent of the revolutionary party, and expressed a wish that he might not be received at the colonial office, adding a suggestion that, if he should make any application, he should be effectually snubbed in a letter in reply, which should be transmitted to Canada for publication. He also denounced to the colonial minister the project of surrendering to the control of the Canadian legislature the casual and territorial revenues; being desirous of keeping the executive, as far as possible, financially independent of the popular branch of the legislature. He quarrelled with the commission of inquiry, which had been sent to Canada headed by Lord Gosford, for recommending that the executive council should be made accountable to public opinion, and assured the imperial government that the project was pregnant with every species of danger. When he received a confidential despatch from Lord Glenelg, acquainting him that this course had been determined on, he became half frantic; and on the publication of a despatch from Sir Archibald Campbell, lieutenant-governor of New Brunswick, directing him to increase the number of his councillors, and to select them from persons possessing the confidence of the people, he vented his disappointment by declaring that "the

triumph which the loyal inhabitants of our North American colonies had gained over the demands of the Republicans was not only proved to be temporary, but was completely destroyed." He carried his indiscretion to an inconceivable extent. The province, he openly declared, was threatened with invasion from a foreign enemy; and he proceeded to throw out a defiant challenge to this imaginary foe. "In the name of every regiment of militia in Upper Canada," he said, "I publicly promulgate, let them come if they dare." This piece of audacious folly made him the subject of a remarkable practical joke. A deputation, headed by Hincks, waited on him to inquire from what point the attack was expected, the inference being that they desired to know in order that they might be prepared to repel the invaders.

The fate of British dominion in America, he assured the colonial minister, depended upon his advice being taken, and his acts sustained. Several times it was necessary to curb him; and once he made an inferential, rather than a direct, tender of his resignation. He dismissed George Ridout from the offices of colonel of the militia, judge of the District Court of Niagara and justice of the peace, on the pretence that he was an active member of the Alliance Society, which had issued an address, on the subject of the resignation of the late executive council, containing words personally offensive to the governor; and when this charge was dis-

proved to the satisfaction of Lord Glenelg, he refused to obey the order of the colonial minister to restore Ridout to office. He also refused to obey the instructions of the colonial secretary to appoint Marshall Spring Bidwell to a judgeship in the Court of Queen's Bench; and, when he had done his best to drive men into rebellion, he claimed credit for his foresight in having pointed out their traitorous intentions.

"After all," says Mr. Rattray, "the burden of reponsibility for that futile outbreak must rest upon the shoulders of the lieutenant-governor. 'He sowed the wind by exciting the passions of the masses, and reaped the whirlwind in the petty rebellion of which he must forever stand convicted as the chief promoter. Had he taken time to acquire a just knowledge of the condition of the country—had he acted with calm and impartial wisdom, presuming that knowledge to have been acquired, Upper Canada would not have known the stigma of even partial rebellion.'[1] His extravagant language, his arbitrary acts, his undisguised interference with the freedom of election, his sublime self-confidence, taken together, stamp him as at once the rashest, most violent, and yet the feeblest and most incompetent representative the Crown ever had in British North America."[2]

[1] McMullen, *History*, p. 439.

[2] *The Scot in British North America*, Vol. ii, pp. 473, 474.

Mackenzie, Bidwell and Perry were among the members of the popular party who failed to secure a re-election. It was the first election at which the county of York had been divided into ridings. Mackenzie stood for the second riding, having for his opponent, Edward Thompson, a man without decision enough to make him a very decided partisan. He passed for a modified Reformer at the election, which was a great advantage to him, and acted with the Family Compact when he got into the House. As he had not energy enough to be bitter, many timid voters, alarmed by the cries of revolution raised by the governor and the Family Compact, thought that if they voted at all, it would be safest, if not best, to vote for him. He obtained four hundred and eighty-nine votes; Mackenzie, three hundred and eighty-nine. Just before the election there had been a sale of lots, by the government, at the mouth of the River Credit. They were mostly divided into quarter acres, and were sold for thirty-two dollars each. Some of the patents were issued during the election, others only a few days before. But this did not turn the scale of the election; for, in the list of voters, I find only four who voted for Thompson on lots at Port Credit. About an equal number of votes, offered for Mackenzie, were turned away on what appear to be frivolous grounds. If such great pains had not been taken by Thompson's friends to prevent a scrutiny, there might,

looking at the disparity in the number of votes received by the two candidates, have been some reason for concluding that Mackenzie was beaten by a majority of legal votes. Nothing but a scrutiny could have settled the point in dispute. There was said to have been a suspiciously large increase in the number of voters. The unscrupulous influence of the government in the election, attested by Lord Durham's Report, is beyond question.[1]

It was said that Mackenzie was opposed by bank as well as government influence; and this seems not improbable, since he had procured the disallowance of two bank charter bills when he was in England. Complaints of bribery were also made; and if they were well founded, it is reasonable to suppose that the money formed part of the official election fund subscribed in Toronto. After the desperate policy resorted to for the purpose of ejecting Mackenzie from a previous legislature, it is not to be supposed that any effort would be spared to prevent his return. There can

[1] "The circumstances under which they [the members of the House] were elected, were such as to render them peculiarly objects of suspicion and reproach to a large number of their countrymen. They are accused of having violated their pledges at the election. In a number of instances, too, the elections were carried by the unscrupulous exercise of the influence of the government, and by a display of violence on the part of the Tories, who were emboldened by the countenance afforded to them by the government; such facts and such impressions produced in the country an exasperation and a despair of good government, which extended far beyond those who had actually been defeated at the poll."—Earl Durham's *Report on the Affairs of British North America, June, 1839.*

be no doubt that the improper use of official influence was the main cause of the election resulting as it did. Sir Francis himself rode out to the polling place during the election. Mackenzie's mortification at a result which he believed to have been brought about by improper means, was extreme.

About the time of the commencement of the first legislative session, which took place on November 8th, 1836, Mackenzie was taken dangerously ill of inflammatory fever, followed by inflammation of the lungs and pleura, brought on by his taking cold. On November 23rd, he was pronounced convalescent; but his ultimate recovery was slow.

Petitions against the return of any member whose seat it was intended to contest, were required to be presented within fourteen days of the commencement of the session. On December 13th—one month and five days after the session had opened—Dr. Morrison, on producing medical certificates of Mackenzie's illness, obtained an extension of the time for presenting a petition against Thompson's return. Seven days were allowed. The regulation set aside was not one of law, but was simply a rule of the House. When the allegations in the petition had become known to the House, the majority evinced extreme anxiety to avoid inquiry. Mackenzie, continuing to collect evidence and to increase his list of witnesses, refrained from completing his recognizances, as se-

curity for costs, till nearly the expiration of the time required, namely, fourteen days after the presentation of the petition. New facts continued to come in; and, before handing in his list of witnesses, he wished to make it as complete as possible. But, by an entirely new construction of the law, he was held to have exceeded the time. Dr. Rolph showed the untenableness of the position which a partisan majority was ready to assume; but without avail. The petition was introduced on December 20th. It then, as required by law, lay on the table two days before being read; which last act, it was contended, completed the series which made up the presentation. The House had always acted on this construction; and it could not have one rule for itself and another for petitioners. The petition must therefore be considered as having been presented on the twenty-second; and the fourteen days for completing the recognizances would not end till January 5th. The order had been discharged on the fourth, which was an illegal abridgment of the time. The Speaker was required, on the twenty-second, to give notice to the petitioner of the day fixed for taking the petition into consideration; but he failed to give it till the thirtieth, and for his default, the House, not the petitioner, was responsible. This argument was conclusive; but the vote to discharge the order carried.

It may seem strange that the presentation of a

petition should include its reading, fixed by law at two days after its introduction; but the House must be judged by its practice, and this was stated to have been uniformly different, on all previous occasions, from the course now taken. Jonas Jones, by whom the Act relating to contested elections was brought in, did Mackenzie full justice on this occasion. "He considered that Mr. Mackenzie had a right to count fourteen days from the time his memorial was read, and that he had neglected no requirement of the law;" and, on this ground, Jones voted against an amendment declaring that the order relating to the petition had been legally discharged, and that therefore it ought not to be restored. Ogle R. Gowan, another political opponent of the petitioner, showed that, in the previous parliament, he had been placed in precisely the same position as Mackenzie with respect to time; and that not a single member of the House, a large majority of whom were opposed to him in politics, raised an objection. One thing is very clear, the government party was seriously anxious to avoid an inquiry. If they had nothing to fear from a scrutiny, it is difficult to conceive what motive they could have had for departing from the uniform practice in order to prevent an investigation.

Mackenzie had the authority of the senior clerk of the House for believing his was the uniform practice, and on December 22nd, the day on which it

was contended the presentation of the petition was completed, MacNab obtained fourteen days for the sitting member to prepare his list of witnesses—an implied confession that the fourteen days, after which the petition would be acted upon, commenced on that day. An amendment was added to this motion giving Mackenzie the same time to prepare the list of his witnesses, and yet the majority afterwards refused to give the time they had thus agreed upon for completing his recognizances.

There was the more reason for the inquiry, because the allegations in the petition included even the head of the government in charges of undue interference by making inflammatory replies to addresses, with a view to influencing the election;[1] by the issuing of land patents to persons known to be hostile to the petitioner, without exacting a com-

[1] A few of the replies given by Sir Francis to addresses, and published with a view to influencing the elections generally, illustrate his attitude. In his reply to the electors of Toronto he said :—

"Gentlemen :—No one can be more sensible than I am, that the stoppage of the supplies has caused a general stagnation of business which will probably end in the ruin of many of the inhabitants of this city; and in proportion as the metropolis of the province is impoverished, the farmers' market must be lowered ; for how can he possibly receive money, when those who should consume his produce are seen flying in all directions from a land from which industry has been publicly repelled ?"

Denouncing the Reformers as agitators, he said :—

"My plans and projects are all contained and published in the instructions which I received from the king. They desire me to correct, without partiality, the grievances of this country ; and it is because the agitators see I am determined to do so, that they are endeavour-

pliance with the conditions of purchase; besides gross partiality on the part of the returning officer and bribery on the part of the sitting member. It would have been far better that these grave charges had been subjected to the test of a rigid scrutiny; because, if they were not well-founded, their refutation could most easily and most effectually have been made in this way.

The decision of the House can scarcely excite surprise; for in a case of that peculiar nature, where either side of the case could be sustained by plausible arguments, a partisan majority, so violently opposed as it was to the petitioner, was not likely to be very scrupulous in its decision. Rightly or wrongly the petitioner was firmly convinced that he had been

ing to obstruct me by every artifice in their power. They declare me to be their enemy, and the truth is, I really am."

But his address to the electors of Newcastle district transcends, if possible, the rest:—

"As your district," he said, "has now the important duty to perform of electing representatives for a new parliament, I think it may practically assist, if I clearly lay before you what is the conduct I intend inflexibly to pursue, in order that by the choice of your new members, you may resolve either to support me or oppose me, as you may think proper. I consider that my character and your interests are embarked in one and the same boat. If by my administration I increase your wealth, I shall claim for myself credit, which it will be totally out of your power to withhold from me; if I diminish your wealth, I feel it would be hopeless for any one to shield me from blame.

"As we have, therefore, one common object in view, the plain question for us to consider is, which of us has the greatest power to do good to Upper Canada? Or, in other words, can you do as much good for yourselves as I can for you? It is my opinion that you cannot! It is

defrauded of his seat, and unfairly and illegally denied the liberty of proving how it had been done, and of recovering what had been unwarrantably taken from him. He had a keen sense of personal injury, and when wrong done to him was also done to the public, he was slow to forget, and not too ready to forgive.

Dr. Duncombe, a member of the Reform party in Upper Canada, who had held a seat in the legislative assembly, brought to the notice of the colonial secretary, Lord Glenelg, the complaints made against the lieutenant-governor in connection with this election, as well as against his general policy, and Sir Francis was required to put in his defence. The report, as everybody had foreseen, was a

my opinion that if you choose to dispute with me, and live on bad terms with the mother country, you will, to use a homely phrase, only 'quarrel with your own bread and butter.' If you like to try the experiment by electing members who will again stop the supplies, do so, for I can have no objection whatever; on the other hand, if you choose fearlessly to embark your interests with my character, depend upon it I will take paternal care of them both.

"If I am allowed I will, by reason and mild conduct, begin first of all by tranquillizing the country, and as soon as that object shall be gained, I will use all my influence with His Majesty's government to make such alterations in the land-granting department as shall attract into Upper Canada the redundant wealth and population of the mother country. Men, women, and money are what you want, and if you will send to parliament members of moderate politics, who will cordially and devoid of self-interest assist me, depend upon it you will gain more than you possibly can do by hopelessly trying to insult me; for let your conduct be what it may, I am quite determined, so long as I may occupy the station I now do, neither to give offence, nor to take it."

verdict of acquittal, and a special verdict, it must be remarked, since it declared that the country owed the viceregal defendant a debt of gratitude for his patriotism and other inestimable qualities. But the public was not thereby convinced, and the discontents were not allayed.

A considerable portion of Dr. Duncombe's letter, containing the charge against the lieutenant-governor on which the committee had pronounced, related to the election for the second riding of York in which a committee had been illegally refused to Mackenzie. Nor was he allowed to produce before the committee, that pretended to inquire into these charges, the evidence which he was prepared to produce in support of them.

The case of Mackenzie, though perhaps not exactly like any other, cannot be regarded as having stood alone. The improper means taken by the executive to influence the elections did not affect him alone. Sir Francis openly proclaimed himself the enemy of the Reformers; and he brought all the weight of his position to bear against them as a party.[1]

[1] "On the 15th of February, 1837," Mackenzie related, "Samuel Lount, the late upright and patriotic member for Simcoe, called at my house accompanied by Thrift Meldrum, merchant and innkeeper in Barrie, and I mentioned to them that I was collecting evidence for a pamphlet to expose the government, as the executive influence had cheated me out of my right to do so through an election contest for the second riding. Lount took out his pocket memorandum book, and stated that Meldrum had been requested to open his tavern for Robinson and Wickens, at the time of the late election, and that he did

The sense of injustice engendered by these means rankled in men's minds, and tended to beget a fatal resolution to seek redress by a resort to physical force. This resolution, which did not assume a positive shape for sometime afterwards, was a capital error, and one which some were to expiate with their lives, others with sufferings and privations and contumely scarcely preferable to death.

It was not sufficient for Sir Francis and his friends to pursue with injustice one of the two parties into which the country was divided; they were not less ready to assail them with personal calumny. The Tory press asked: "Who is William Lyon Mackenzie?" And then proceeded to give its own answer. With the Celtic blood boiling in his veins at the personal insults offered, Mackenzie replied in terms

so; that since the election he (Meldrum) had informed him (Lount), that on one occasion he (Meldrum, accompanied Wellesley Ritchie, the government agent, from Toronto to the Upper Settlement; that Ritchie called him (Meldrum) to one side at Crew's tavern, where the stage stopped, and told him that Sir Francis had employed him (Ritchie) to give the deeds to the settlers in Simcoe, and that he (Ritchie) wanted him (Meldrum) to assist him in turning Lount out. Meldrum agreed to do his best, opened his house, and says that Wickens paid him faithfully for his liquor, etc. When Lount had read the above from his memorandum, I asked Meldrum if he could swear to these facts. He said he could, for they were perfectly correct. I then asked Lount, who gave me a number of important facts, why he did not contest the election, and he told me it would have been throwing £100 away, and losing time, for that no one, who knew who the members were, could for a moment expect justice from them."

that cannot be characterized as either temperate or discreet.[1] The fiery words which he used under the excitement can hardly be held to express more than the exasperation of the moment; and if they did not fall harmless, it was because the government of Sir Francis had inclined the people to listen to desperate counsels.

In the session of 1836–7, which closed on March 4th, Sir Francis's "bread and butter" assembly was very far from realizing his election promises of reform. But it is not probable that any section of the public was disappointed, for they were not promises that any one expected to see fulfilled. The fear of a legal and inevitable dissolution, which seemed to be impending, weighed heavily upon parliament. King William IV would probably not live four years; and, on the demise of the sovereign, the

[1] "Small cause, indeed," he said, "have Highlanders and the descendants of Highlanders to feel a friendship for the Guelphic family. If the Stuarts had their faults, they never enforced loyalty in the glens and valleys of the north by banishing and extirpating the people; it was reserved for the Brunswickers to give, as a sequel to the massacre of Glencoe, the cruel order for depopulation. I am proud of my descent from a rebel race who held borrowed chieftains, a scrip nobility, rag money, and national debt in abomination. And, notwithstanding the doctor's late operations with the lancet, this rebel blood of mine will always be uppermost. Words cannot express my contempt at witnessing the servile, crouching attitude of the country of my choice. If the people felt as I feel, there is never a Grant or Glenelg who crossed the Tay and Tweed to exchange high-born Highland poverty for substantial Lowland wealth, who would dare to insult Upper Canada with the official presence, as its ruler, of such an equivocal character as this Mr. what do they call him———Francis Bond Head."

assembly would legally cease to exist. Sir Francis was not likely to fare so well in a second election as he had in the first. A bill was therefore passed, which enacted that a dissolution of the House should not necessarily follow a demise of the Crown. The money bills, passed this session, showed an extraordinary degree of recklessness, on the part of the House, in incurring debt. The entire amount voted must have been about five millions of dollars, at that time a very large sum compared to the amount of revenue. The establishment of fifty-seven rectories by Sir John Colborne, before he left the government, which had given great offence to a large majority of the population, received the approval of the assembly.

The session closed in one of those hurricanes of passion which often precedes a violent revolutionary movement. The question of a union of Upper and Lower Canada had been before the House during the session, and resolutions had been passed condemning the project. At twelve o'clock on the last day of the session—the prorogation was to take place at three—the concurrence of the House was asked in an address to the Crown founded on the resolutions. Dr. Rolph moved an amendment, the object of which was to prevent a decision on the question in the absence of many members who had already gone home. Having been stopped by the Speaker he later obtained the right to enter on a wider range of discussion, and went on amid

much confusion, but when he was uttering the words, "The evil of our inland situation is admitted; what is the remedy?"—the Speaker announced, "The time has arrived—half-past one—to wait on the lieutenant-governor with some joint address." And the scene was abruptly brought to a close.

Thus ended the last regular session of the Upper Canada legislature preceding the outbreak of 1837, though an extraordinary session was to intervene. Several such scenes had occurred during the first session of the "bread and butter" parliament.[1]

In the spring of this year (1837) Mackenzie went to New York, arriving there about the end of March. At the trade sales, then going on, he purchased several thousand volumes of books, and made large additions to his printing establishment. About two years before, he had added a large bookstore to his other business, and his present purchases furnished decisive proof that, at this time, the idea of risking everything upon an armed insurrection had not entered into his calculations.

On July 4th, he published the first number of the *Constitution* newspaper, the last issue of which appeared on November 29th, 1837. The first and fourth pages of the number for De-

[1] The Montreal *Gazette*, a Tory paper, was greatly scandalized at the "scenes of an unseemly character that have lately been enacted in the Commons House of Assembly of our sister province of Upper Canada. We particularly allude," it said, "to the disorderly, and, we must add, disgraceful manner in which important questions were discussed during the late session."

cember 6th were printed, when it was brought to a violent close by the breaking out of the insurrection. The forms of type were broken up by the Loyalist mob. When he brought the *Colonial Advocate* to a close, he was anxious to bid adieu to the harassing cares of Canadian journalism forever; but his political friends had, by their urgent entreaties, succeeded in inducing him to re-enter a field to which he had previously bid a final farewell. The *Constitution* became the organ of increasing discontent, and might easily be mistaken for the promoter of it. But, as always happens, the press reflected public opinion with more or less accuracy, and already the Liberal portion of it had begun to speak in no muffled or ambiguous accents. The country was in fact entering upon the period of revolutionary ideas, expressed in speeches and rhymes, and in newspapers and more solemn documents. Sir Francis may be said to have produced the first specimens in inflammatory replies to addresses. What nearly always happens, on such occasions, happened on this. People found themselves committed to revolutionary ideas without the least suspicion of the extent to which they had gone, much less of what was to follow. The new House met for the first time on November 8th, 1836. Dr. Duncombe's letter to Lord Glenelg, charging the head of the provincial government with crimes which deserved impeachment, was referred to a committee of the

House of Assembly which sat on November 25th. Every one knew in advance what the decision would be; but the proceeding was in the nature of an impeachment of Sir Francis. For, if he were found guilty, what was to be done? A colonial governor who misconducts himself can only be tried in England; and unless there was a foregone determination to exculpate him from the charges made against him, there could be no object in referring them to a committee. Dr. Rolph, assuming a serio-comic air, ridiculed the proceeding in a speech that will ever be memorable in Canadian history.

CHAPTER XI

PRECURSORS OF CIVIL WAR

THE crisis was now rapidly approaching. It was to come first in Lower Canada, with which the fortunes of the western province were to become involved. Lord Gosford, Sir Charles Grey and Sir George Gipps, the royal commissioners appointed to inquire into the grievances complained of in Lower Canada, had reported; and, about the middle of April, their reports—five in number—were made public. The surrender of the casual and territorial revenue to the assembly, whose claim to control it had led to repeated and angry disputes, was recommended on condition that the arrearages of salaries, amounting to £31,000, should be paid, and a civil list, amounting to about £20,000, should be granted during the life of the king. The legislative council, it was recommended, should be erected into a court of impeachment for offending public servants. The demands for an elective legislative council and a responsible executive were reported against. The decision of the commissioners on the subject of the legislative council was in accordance with instructions they had received. In a despatch dated July 17th, 1835, Lord Glenelg informed the commissioners

that all discussion of one of the vital principles of the provincial government—a Crown-nominated legislative council was alluded to—was precluded by the strong predilections of the king, the solemn pledges repeatedly given for the maintenance of the existing system, and the prepossessions derived from constitutional analogy and usage. The decision thus communicated by way of instructions to the commissioners was merely echoed by them. It affected Upper equally with Lower Canada; for Lord Glenelg, in his instructions to Sir Francis Bond Head, had stated as his reason for not answering the part of the grievance report which referred to the constitution of the legislative council, that the instructions to the commissioners contained views on this point which had received the deliberate sanction of the king.

The imperial government went beyond the recommendation of the commissioners. Lord John Russell, on March 8th, obtained the assent of the House of Commons to resolutions which, among other things, authorized the seizing of the funds in the hands of the receiver-general of Lower Canada, and applying them to purposes for which the assembly would only grant them on condition that certain reforms should be effected. On October 3rd, 1836, the House had come to the resolution to adjourn their proceedings till His Majesty's government should have commenced "the great work of justice and reform, especially by bringing the legis-

lative assembly into harmony with the wishes and wants of the people." Lord John Russell contended that the demand for an executive council, similar to the cabinet which existed in Great Britain, set up a claim for what was incompatible with the relations which ought to exist between the colony and the mother country. "These relations," he said, repeating the stereotyped official idea of those times, "required that His Majesty should be represented in the colony not by ministers, but by a governor sent out by the king, and responsible to the parliament of Great Britain." A colonial ministry, he contended, would impose on England all the inconveniences and none of the advantages of colonies. This simply meant that there was no hope from England of responsible government for either province.

As to the authority of the imperial legislature to remedy a defect in the cessation of supply on the part of a colonial assembly, he apprehended that there could be no doubt. The same thing had been done only the year before with respect to Jamaica; and that was precedent sufficient. When a similar question was raised with regard to the legislature of the colony of New York, Dr. Franklin had admitted that the power, now contended for, resided in the imperial House of Commons. With two such precedents, Lord John Russell deemed himself justified in resorting to a measure of confiscation which led to rebellion.

Mr. Hume had a better appreciation of the crisis. He looked upon the proceedings as involving a question of civil war. If the Canadians did not resist, they would deserve the slavish bonds which the resolutions of Lord John Russell would prepare for them; and he hoped that, if justice were denied to Canada, those who were oppressed would achieve the same victory that had crowned the efforts of the men who had established that American republic which had given a check to those monarchical principles which would otherwise have overwhelmed the liberties of Europe.

How little the House of Commons was conscious of the results that hung upon its decision, may be gathered from the fact that, while Mr. Hume was speaking, the House was counted to see if there was a quorum. Not over one-tenth of the members who usually attended the Lords came to listen to or take part in the debate; and except Lord Brougham, who entered on the journals his protest against such proceedings, not a single member opposed the passage of the resolutions.

The resolutions were carried, and the result, which Mr. Hume had predicted, followed. They were received with a storm of indignation by the French-Canadians.[1] The local officials and their

[1] As these resolutions were the great factors in provoking civil war, in both provinces, the one most affecting Upper Canada is here given: "5. That while it is expedient to improve the composition of the executive council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province.'

friends were jubilant at the imaginary success which had been achieved for them. The journals of the opposition were defiant. The seizure of the revenue was denounced as robbery. "Henceforth," said an English organ of the opposition, "there must be no peace in the province—no quarter for the plunderers. Agitate! agitate!! agitate!!! Destroy the revenue; denounce the oppressors. Everything is lawful when the fundamental liberties are in danger. 'The guards die—they never surrender.'" At public meetings the imperial resolutions were denounced as a breach of faith and a violation of right. The Toronto Alliance Society, on April 17th, expressed its sympathy with the Lower Canadians, and condemned the coercion resolutions of the imperial government.

Success is the only thing that is generally held to justify insurrection against a government; and though it is impossible to lay down any general rule as to the point at which submission to oppression ceases to be a virtue, it is generally admitted that the initiation of rebellion can only be excused by a reasonable prospect of success. If the question of the Lower Canadian rebellion could be decided upon the merits of the principle at stake, we should be obliged to confess that what the Canadians fought for was just as sacred as that right of self-taxation for which Washington took up arms, and in defence of which the thirteen American colonies threw off the yoke of England.

On June 15th, Lord Gosford tried the effect of a proclamation on the agitation which was convulsing society. But the proclamation was torn to pieces by the *habitants* amid cries of "*A bas la proclamation.*" Louis Joseph Papineau, the chief agitator, a man of commanding eloquence who was omnipotent with the French-Canadian population, traversed the whole country from Montreal to Rimouski, holding meetings everywhere and exciting the people to the highest pitch of exasperation. While he was on the south shore of the St. Lawrence, LaFontaine and Girouard were performing a similar mission on the other bank of the great river. Dr. Wolfred Nelson, too, bore his share in the work of popular agitation, having been a conspicuous figure at the first of the "anti-coercion" meetings which was held at St. Ours, in the county of Richelieu. Some of the meetings were attended by men with firearms in their hands.

In the beginning of July, Mackenzie discussed, in his newspaper, the question,—"Will the Canadians declare their independence and shoulder their muskets?" "Two or three thousand Canadians, meeting within twenty-five miles of the fortress of Quebec, in defiance of the proclamation, with muskets on their shoulders and the Speaker of the House of Commons at their head, to pass resolutions declaratory of their abhorrence of British colonial tyranny, and their determination to resist

and throw it off, is a sign not easily misunderstood." He then proceeded to the question: "Can the Canadians conquer?" and gave several reasons for answering it in the affirmative.

These opinions were deliberately written and published by Mackenzie on July 5th, 1837. The French-Canadians appealed to the other British provinces of America for co-operation, and looked to the United States for support. And this co-operation the leading Reformers of Upper Canada resolved to give.

On August 2nd, a "Declaration of the Reformers of Toronto to their Fellow Reformers in Upper Canada," was published in the *Constitution*. This document was virtually a declaration of independence, and it was afterwards called the "Declaration of the Independence of Upper Canada;" but there is reason to doubt whether its purport was fully understood even by all who signed it. Setting out with the declaration that the time for the assertion of popular rights and the redress of the multiplied wrongs of half a century, patiently borne, had arrived, it entered into a long recital of grievances, and ended with a pledge to make common cause with Lower Canada, and a resolve to call a convention of delegates at Toronto, "to take into consideration the political condition of Upper Canada with authority to its members to appoint commissioners, to meet others to be named on behalf of Lower Canada and any

other colonies, armed with suitable powers as a congress to seek an effectual remedy for the grievances of the colonists."

This declaration has a public and a secret history. The public history is, that at a meeting of Reformers held at John Doel's brewery, Toronto, on July 28th, the troubles in Lower Canada were taken into consideration. On motion of Mackenzie, seconded by Dr. Morrison, a resolution was passed tendering the thanks and expressing the admiration of the Reformers of Upper Canada to Papineau and his compatriots for their "devoted, honourable, and patriotic opposition" to the coercive measures of the imperial government. Other resolutions were passed to make common cause with the Lower Canadians, "whose successful coercion would doubtless, in time, be visited upon us, and the redress of whose grievances would be the best guarantee for the redress of our own;" and, among other things, appointing a committee to draft and report to an adjourned meeting a declaration of the objects and principles which the Reformers aimed to carry out.[1]

The secret history is this. The document was a joint production in which O'Grady's and Dr. Rolph's pens were engaged. The draft was taken to a meeting at Elliott's Tavern on the corner of

[1] The committee consisted of James Hervey Price, O'Bierne, John Edward Tims, John Doel, John McIntosh, James Armstrong, T. J. O'Neill, and Mackenzie, with power to add to their number.

Yonge and Queen Streets, previous to its being taken before the adjourned meeting at the brewery for adoption. Dr. Morrison, on producing the draft of the declaration, laid it down as a sound canon that neither he nor any other member of the legislature ought to be called upon to sign it. To this rule James Lesslie took exception. He said that a document of grave import had been read to the meeting. It had been written by men who gave the most of their time to politics, and read to men who gave most of their attention to trade and commerce. The responsibility of signing such a document should not be thrown upon those who had not prepared it, and who knew least about its contents. The professional politicians ought to set the example, and then the others might follow. If the declaration contained only an enumeration of facts, and if it were a proper document to be signed, the members of the legislature, such as Drs. Morrison and Rolph, ought to set the example; and if they did so, he would follow. Dr. Morrison found it necessary to append his name to the declaration, but as Dr. Rolph was not there to pursue the same course, Lesslie refused to sign, and he induced his brother William to erase his signature. Next morning Dr. Rolph sent for Lesslie to inquire what had been done at the meeting, and the latter replied by letter, repeating his objections to being put in the front rank of a movement in which he ought to be a follower. Dr. Morrison was not without rea-

sons for his hesitation and timidity, though it is too much to expect that men will enter on a course fraught with danger, if their advisers refuse to accompany them.

At the meeting held at the brewery on July 31st, at which the declaration was adopted, a permanent vigilance committee was appointed. It consisted of the members of the committee who had reported the draft of the declaration; and Mackenzie complied with a request that he should become agent and corresponding secretary. The plan of proceeding was similar to that acted upon in Lower Canada, where the public meetings were held under the direction of a central committee; and Mackenzie's duties as agent were to attend meetings in different parts of the country, taking, in Upper Canada, the *rôle* played by Papineau in the sister province.

The machinery of agitation, of which the motive power was in Toronto, was to have four several centres of action outside the city. At the meeting held in the brewery on July 28th, a plan, submitted by Mackenzie, "for uniting, organizing, and registering the Reformers of Upper Canada as a political union," was adopted. A network of societies was to be spread over the country; and care was to be taken to have them composed of persons known to one another.

When Sir Francis dissolved the assembly and resorted to the most unconstitutional means of influencing the elections of 1836, he carried despair

into many a breast where hope had till then continued to abide. The coercion of Lower Canada by the imperial government and legislature caused all such persons, in the Canadas, to look to a revolution as the only means of relief. Mackenzie was among those who came to this conclusion. But he only shared with a large class of the population a sentiment which was the inevitable product of the existing state of things, and which affected masses of men, at the same moment, with a common and irresistible impulse. The Toronto declaration of July 31st was the first step on the road to insurrection. It committed all who accepted it to share the fortunes of Lower Canada. The machinery of organization and agitation, which was created at the same time, became the instrument of revolt.

The public meetings which Mackenzie had undertaken to attend now commenced. At the first held at Newmarket, the agent of the Toronto central committee spoke for an hour and a half. A resolution was passed approving of the Toronto declaration, and appointing delegates to the convention to be held in that city. Their names were Samuel Lount, afterwards executed for high treason; Nelson Gorham, who became involved in the rebellion and was for a long time a political refugee in the United States; Silas Fletcher, who also became a political refugee; Jeremiah Graham, and John McIntosh, M.P.P., who, though a party to the

insurrection, was never arrested and scarcely suspected. The principal complaint made in the resolutions was that the constitution was "continually violated and trampled upon by the executive, and countenanced by the colonial office and the English parliament." To take these grievances and the general state of the province into consideration was to be the business of the convention. It was also resolved to abstain, as far as possible, from the consumption of duty-paying articles; and to unite with the Lower Canadians, whose cause was declared to be the cause of Upper Canada, "in every practicable measure for the maintenance of civil and religious liberty." A political association and a permanent vigilance committee were formed.

Two days after, the second of the series of public meetings took place at Lloydtown. Mackenzie, Lloyd, Lount, and Gibson, all of whom afterwards bore an active part in the rebellion, addressed the meeting. Mackenzie became head of the proposed provisional government; Gibson was comptroller, and had, besides, a military position; Lloyd was the trusted messenger who carried to Papineau intelligence from his supporters in Upper Canada. No less than seventeen resolutions were passed. A resort to physical force was declared not to be contemplated. Approval of the Toronto declaration was expressed, and delegates to the proposed convention were appointed. They were, Dr. W.

W. Baldwin and Messrs. Jesse Lloyd, James Grey, Mark Learmont, John Lawson and Gerard Irwin. Separation from England was advocated on the ground that the connection imposed upon the province the evils of a State Church, an "unnatural aristocracy, party privilege, public debt, and general oppression." To avert much bloodshed on both sides, and loss and dishonour by a war between people of a common origin, the payment of a price for the freedom of the province was suggested. If the question of independence was tested by means of the ballot, it was hinted that there could be no doubt as to the result. Elective institutions, extending even to the judiciary, were declared indispensable.

Mackenzie left Lloydtown accompanied by only a couple of friends. About fifty young farmers mounted their horses and escorted him to the village of Boltontown. As soon as Mr. Coats had been called to the chair, the Orangemen declared their intention of putting down the meeting, and of resorting to force if necessary to accomplish their object. Finding they were not numerous enough to prevent the adoption of the Toronto declaration, they grew vociferous, rendering it impossible to continue the proceedings. They gave Mackenzie's escort five minutes to leave the place, threatening, if their mandate were not complied with, to bring out firearms, which they professed to have all ready loaded in one of the houses. This threat was

neither regarded on the one side, nor carried into effect on the other.

After the public meeting had been broken up, part of the business it had on hand was transacted in Mr. Boulton's house. Delegates to the convention were appointed and a vigilance committee named. Some hours after, when several of those who had formed Mackenzie's escort to the place had gone, a collision between the two parties took place. Twenty-six Mackenzie men, mounted, were crossing the bridge over the Humber when one of the opposite party seized the hindmost by the thigh, as if with the intention of forcing him into the river. Two others were attacked at the same time. All the twenty-six dismounted instantly, and fell upon their assailants with whatever was within their reach. Blood flowed freely; and some of the assailing party, as they lay on the ground, were made to confess that they had only got their deserts.

The meetings followed one another in rapid succession. The next was held in the township of Caledon, two days after the one at Boltontown. Some of the resolutions passed at this meeting were drawn up with considerable skill, and one of them undertook to define the case in which an appeal to physical force would become a duty.[1]

[1] A resolution moved by Mr. James Baird, and seconded by Mr. Owen Garrity, read thus: "That it is the duty of the subjects of kings and governors to keep the peace, and submit to the existing laws;

From Caledon to Chingacousy, the agent of the Toronto central committee was escorted by about twenty horsemen. Here a meeting was held in front of the house of John Campbell, on the morning of August 10th. Trouble had been anticipated; and Francis Campbell, brother of John Campbell, on whose grounds the meeting was held, went with the statutes under his arm ready to read the Riot Act, if necessary; and John Scott, another magistrate, had gone there surrounded by a number of Orangemen. Several of these and some of Mackenzie's supporters had firearms; others carried heavy clubs. The two parties were greatly exasperated against one another, and the Orangemen made use of threatening language. To prevent a collision, Mackenzie's

that it is equally the duty of kings and rulers to administer the government for the well-being and happiness of the community; and that when the existing laws and constitution of society become notoriously oppressive in form or administration, it is then, and at all times, the duty of free subjects, for the benefit, safety, and happiness of all parties to call meetings, and ascertain, as far as can be done, the general opinion and estimate of all the good and evil which government dispenses, as it is also the duty of a just government to protect its subjects in the peaceful exercise of such a precious and obvious right. If the redress of our wrongs can be otherwise obtained, the people of Upper Canada have not a just cause to use force. But the highest obligation of a citizen being to preserve the community, and every other political duty being derived from and subordinate to it, every citizen is bound to defend his country against its enemies, both foreign and domestic. When a government is engaged in systematically oppressing a people, and destroying their securities against future oppression, it commits the same species of wrong to them which warrants an appeal to force against a foreign

party gave way. An adjournment took place to John Campbell's house. What had become the usual routine of these meetings was gone through, and one of the resolutions mentioned independence as a state of existence that would have some advantages over that which the province then enjoyed.

On August 12th, Mackenzie was at John Stewart's, in the Scotch Block, Esquesing. Here at first his party were outnumbered, but after the opposition had retired, resolutions were passed declaring that the boasted remedial measures of which the governor had, on his arrival, declared himself the bearer, were a deception. "There is," wrote Mackenzie in reference to this meeting, "discontent, vengeance, and rage in men's minds. No one can have any idea of the public feel-

enemy. The history of England and of this continent is not wanting in examples by which the rulers and the ruled may see that, although the people have been often willing to endure bad government with patience, there are legal and constitutional limits to that endurance. The glorious revolution of 1688, on one continent, and of 1776, on another, may serve to remind those rulers who are obstinately persisting in withholding from their subjects adequate securities for good government, although obviously necessary for the permanence of that bles ing, that they are placing themselves in a state of hostility against the governed; and that to prolong a state of irresponsibility and insecurity such as existed in England during the reign of James II, and as now exists in Lower Canada, is a dangerous act of aggression against a people. A magistrate who degenerates into a systematic oppressor, and shuts the gates of justice on the public, thereby restores them to their original right of defending themselves, for he withholds the protection of the law, and so forfeits his claim to enforce their obedience by the authority of law."

ing who has not taken the same means that I have to ascertain it."

None of the speeches made by Mackenzie at these meetings were reported, or have been preserved. But the effect of his prodigious power as a speaker, over a popular audience, must have been very great. The Tory organs, after a meeting held at Churchville, openly threatened that if he held any more meetings, he would be assassinated. It was afterwards stated that a deliberate plot had been entered into, by the hostile party who attended this meeting, to take Mackenzie's life; and that one who was a party to it had divulged the secret to a person who, at the proper time, would publicly reveal it.

From the Vaughan meeting he and David Gibson were accompanied by a cavalcade of about a hundred horsemen and some thirty carriages; and it appears to have been understood that, in future, the Orangemen, if they disturbed any more meetings, should be met by their own weapons.

Between the beginning of August and the early part of December, when the outbreak occurred, two hundred meetings are said to have been held in the country, at nearly all of which the Toronto declaration was read and sanctioned. One hundred and fifty vigilance committees, in connection with the central committee at Toronto, were formed. The nature of the movement could hardly have been misunderstood by the most unreflecting spec-

tator; but only some of the members of the branch societies were actually trusted with the secret of the intended revolt. Some of the active leaders joined no association; and although they apparently kept aloof from the movement, they were secretly among its most active promoters.

A commercial crisis aided the public discontent. In May, the New York banks suspended specie payments; and those of Montreal followed. In Toronto, the Bank of Upper Canada was looked upon as the prop of the government; and it was probably as much for political as commercial reasons that Mackenzie advised the farmers to go to the counter of the bank and demand specie for their notes. As a political weapon against the government, an attempt to drain the banks of their specie by creating a panic could have no sort of justification, except in times of revolution. When Mackenzie produced a run upon the Bank of Upper Canada, a resort to armed insurrection was a contingency to which many were looking with alternate hope and fear: hope that it might be avoided, fear that it would come.

If the Upper Canada banks had suspended specie payments, their charters would have been liable to forfeiture. Chiefly to prevent this result, Sir Francis called an extraordinary session of the legislature on June 19th. In the course of the session, which lasted about a month, a bill of prospective indemnity for pursuing such a course was passed. In the mean-

time, the Commercial Bank at Kingston had suspended; and the Farmers' Bank in Toronto stopped soon afterwards. The government loaned £100,000, by the issue of debentures, to the Bank of Upper Canada; £30,000 to the Gore Bank; and £40,000 to the Commercial Bank. But when the rebellion came, the suspension of specie payment followed.

At the close of the session, Mackenzie, in his journal, declaimed on the condition of public affairs with scathing bitterness. The style is characteristic of the man, when his soul was stirred to its inmost depth. He continued to attend political meetings in the country; and the exasperation of his enemies continued to increase. In Westminster, Middlesex, the friends of Mackenzie and the supporters of Papineau turned out in such large numbers that the opposite party shrank from the attempt to carry out their scheme of attack.

Threats, secret and open, were now made by the Tory party to assassinate Mackenzie. An anonymous letter, bearing the Hamilton postmark, was sent to Charles Durand, barrister of that place, informing him that Mackenzie would be assassinated. It was signed "Brutus," as a guarantee of its sincerity. The Tory press, more bold than anonymous letter writers, was scarcely less explicit. Through this channel, he was informed that, "if he dared to show himself in the London district with the evil design of poisoning the happiness of the contented settlers by agitation

and strife, they would put it forever out of his power to repeat his crime." And shortly after, credible witnesses swore that the source of the danger lay much higher than the exasperated men who carried bludgeons to public meetings—men who bore the titles of honourable, and were thought to constitute excellent material out of which to make executive councillors, being charged with plotting for Mackenzie's destruction.

Scarcely had the news of the coercion measure of Lord John Russell reached Canada, when the threatening utterances to which reference has been made commenced. The confessions of English statesmen, that the thirteen colonies of America were right in resisting taxation without representation, were turned to a profitable account. Mr. Atwood's apothegm that "the strength of the people is nothing without union, and union nothing without confidence and discipline," became a standing motto of the revolutionary party. And Hume's declaration that if there had been no display of force there would have been no Reform Bill, was not without its effect in changing the vigilance committees into nuclei of military organizations. Shooting matches, first got up by Gibson, in which turkeys were the immediate victims, became fashionable. Drilling was practised with more or less secrecy. An occasional *feu de joie* on Yonge Street in honour of Papineau, with a hundred rifles, would be made the subject

of boast in the press. Bidwell, who had refused to accept a nomination to the proposed convention, and who kept at a safe distance from all these movements, could not refuse his legal advice that trials of skill among riflemen were perfectly lawful. The people were badly armed, and a brisk business in the manufacture of pikes began to be carried on, but there was hardly a single bayonet in the outbreak north of Toronto.

By the commencement of November, one thousand five hundred names were returned to Mackenzie of persons enrolled and ready to place themselves under arms—if arms could only be procured —at one hour's notice. In the Home District, in which Toronto was situated, attendance on weekly drill was deemed a duty. The Gore District, farther west, was not much behind its metropolitan neighbour. From one end of it to the other, political unions were in the course of formation. They selected their leaders and reported themselves to the agent and secretary of the central vigilance committee. The organizations in the country were now called Branch Reform Unions; and they were numbered according to the order of their formation.

There were two kinds of organization. In addition to the vigilance committees and reform unions, about seventy delegates had been elected to take part in a convention which was to send representatives to a British American congress. The meeting

of an approaching convention, which had been decided upon in the previous August, continued to be alluded to after the rising had been determined upon, and if the movement had proved successful, the convention would undoubtedly have been held.

In Lower Canada the crisis had arrived. The legislative session, convened in August, had produced no reconciliation between the governor and the assembly. The House told Lord Gosford that they had not been able to derive from "His Excellency's speech, or from any other source, any motive for departing, even momentarily," from their determination to withhold supplies until the grievances of the country were redressed. The governor replied to the address, charging the House with virtually abrogating the constitution by a continued abandonment of their functions; and as soon as the members had left his presence, he issued a proclamation proroguing the legislature. The popular agitation continued; monster meetings were called in different parts of the country.

On November 11th, Morin, Legaré, Lachance, Chasseur, and Trudeau, editors, managers, and publishers of *Le Libéral*, were arrested for sedition at Quebec. This alarmed the popular leaders, who, for a time, made themselves less prominent. On the sixteenth of the same month, some further arrests were made; but this time they proceeded upon the graver charge of high treason.

M. Dufort, a messenger bearing letters from Papineau, arrived in Toronto.[1] The purport of the message was an appeal to the Upper Canadian Reformers to support their Lower Canadian brethren when a resort to arms should be made. Mackenzie was convinced that the time to act had come. In the garrison at Toronto, there were only three pieces of cannon and one soldier, Sir Francis having sent the troops to Lower Canada for the purpose, as he afterwards boasted, of entrapping Mackenzie and others into rebellion by appearing to be wholly without the means of resistance. Of the fifteen hundred men whose names had been returned on the insurrection rolls, only a very small proportion had firearms of any description. There were lying in the City Hall four thousand muskets, which had been sent up from Kingston, and which were still unpacked. Mackenzie's plan was to seize these arms, together with the archives, the governor, and the executive council; and by this means to effect a revolution *sans coup férir*. Chimerical as such a project would be, under ordinary circumstances, it must be remembered that the folly of Sir Francis had left the government at the mercy of any half hundred men

[1] M. Dufort was on his way to Michigan to get up an expedition to assist the Canadians, where, in connection with Judge Butler, a prominent member of the House of Representatives of that state, he formed a "council of war," embracing prominent and influential members of the House of Representatives, state's officers, and wealthy citizens.

who might have undertaken to carry such a project into effect.

Having made up his mind as to what ought to be done, Mackenzie, one afternoon early in November, called upon fourteen or fifteen persons with whom he had been acting in the organization of political societies throughout the country, and asked them to meet him that evening at the house of Mr. Doel, on the north-west corner of Bay and Adelaide Streets.[1] They all attended. Dr. Morrison took the chair; and Mackenzie proceeded to give his views of what course it would be proper to pursue in the crisis which had arisen. Fortunately his own account of this meeting has been preserved :—

"I remarked, in substance, that we had, in a declaration adopted in July, and signed approvingly by many thousands, affirmed that our wrongs and those of the old thirteen colonies were substantially

[1] Among the persons who assembled on that night to listen to a project of revolution were: Dr. Morrison, a Lower Canadian by birth, who was practising medicine in Toronto; John McIntosh, a Scotsman, who formerly owned and sailed a vessel on Lake Ontario, and who retired upon a moderate competence ; John Doel, an Englishman, who by a brewery and the rise in the value of some real estate of which he was the owner, was well able to live on the interest of his money; Robert Mackay, a Scotsman and grocer, in a good way of business; John Armstrong, a Scotsman and axemaker ; Timothy Parsons, an Englishman, who kept a dry goods store ; John Mills, a Scotsman by birth, and a hatter by trade ; Thomas Armstrong, a Scotsman and carpenter employing several men ; John Elliott, an Englishman and an attorney ; and William Lesslie, a bookseller and druggist, doing a good business.

the same; that I knew of no complaint made by the heir of the house of Russell, in 1685, against the government of England overturned three years thereafter, that could not be sustained against that of Canada; that not only was redress from Britain hopeless, but that there was imminent danger that leading Reformers would be seized and sent to the dungeon; that the House of Assembly had been packed through fraud—the clergy hired and paid by the State—the endowment of a hierarchy begun in defiance of the royal pledge—the public credit abused and the provincial funds squandered—offices created and distributed to pay partisans—emigration arrested—discontent rendered universal—and government converted into a detestable tyranny; while in Lower Canada chaos reigned, backed by the garrisoned troops; and British resolutions to leave no check in the hands of the people, upon any abuse whatever, had passed the House of Commons. Law was a mere pretext to plunder people systematically with impunity—and education, the great remedy for the future, discouraged in Upper and unknown in Lower Canada—while defaulters, cheats, embezzlers of trust funds and of public revenue were honoured and encouraged, and peculators sheltered from the indignation of the people they had robbed. I stated that when I saw how Ireland, the condition of which was fully understood in London, had been ruled, I had no hope for Canada except in resistance, and affirmed

that the time had come for a struggle, either for the rights of Englishmen in connection with England, or for independence. Canada, as governed, was an engine for the oppression of our countrymen at home.

"I spoke with great earnestness, and was only interrupted by some brief casual remarks.

"In adverting to the condition of society, I remarked that Head was abhorred for the conduct of those he had upheld and cringed to; that in the city all classes desired a change—credit was prostrate, trade languishing—and asked if the proper change could be obtained in any possible way short of revolution.

"Still there was no answer.

"I stated that there were two ways of effecting a revolution: one of them by organizing the farmers, who were quite prepared for resistance, and bringing them into Toronto to unite with the Toronto people; and the other, by immediate action.

"Dr. Morrison made some deprecatory or dissenting remark, but I continued.

"I said that the troops had left; that those who had persuaded Head to place four thousand stand-of-arms in the midst of an unarmed people, in the City Hall, seemed evidently not opposed to their being used; that Fort Henry was open and empty, and a steamer had only to sail down to the wharf and take possession; that I had sent two trusty persons, separately, to the garrison, that day, and it

was also 'to let'; that the lieutenant-governor had just come in from his ride and was now at home, guarded by one sentinel; and that my judgment was that we should instantly send for Dutcher's foundry-men and Armstrong's axe-makers, all of whom could be depended on, and, with them, go promptly to the Government House, seize Sir Francis, carry him to the City Hall, a fortress in itself, seize the arms and ammunition there, and the artillery, etc., in the old garrison; rouse our innumerable friends in town and country, proclaim a provisional government, send off the steamer of that evening to secure Fort Henry, and either induce Sir Francis to give the country an executive council responsible to a new and fairly chosen assembly to be forthwith elected, after packing off the usurpers in the 'Bread and Butter Parliament,' such new assembly to be convened immediately; or, if he refused to comply, go at once for Independence, and take the proper steps to obtain and secure it.

"I also communicated, in the course of my remarks, important facts relative to Lower Canada, and the disposition of her leading men.

"Dr. Morrison manifested great astonishment and impatience towards the close of my discourse, and at length hastily rose and exclaimed that this was treason, if I was really serious, and that if I thought I could entrap him into any such mad scheme, I would find that he was not my man.

I tried to argue with him, but finding that he was resolute and determined, soon desisted.[1]

"That the proposition I made could have been easily and thoroughly carried into effect, I have never for a moment doubted; and I would have gone about it promptly, in preference to the course afterwards agreed upon, but for the indecision or hesitancy of those who longed for a change but disliked risking anything on such issues. I made no request to any one about secrecy, believing that the gentlemen I had addressed were honestly desirous to aid in removing an intolerable burthen, but that much difference might exist as to the best means of doing so; and that the government would be kept inactive, even if it knew all—its pretended friends, headed by a fool, pulling one way, and its enemies another."

About November 18th another plan of operations was decided upon. There were about a dozen persons present when the decision was come to. The organized bands, distributed over the country, were to collect together and march upon Toronto by Yonge Street, the main northern entrance to the city, on Thursday, December 7th. The manage-

[1] Dr. Morrison, I learn from Charles Baker who lived next door to him, had no real objection to the scheme; but he distrusted some one in the room, and was afraid to commit himself, but who it was that was the object of his suspicion he did not state. The circumstance of his afterwards agreeing to a far more dangerous project for effecting the same object, is sufficient guarantee of the correctness of this information.

ment of the enterprise was to be confided to Dr. Rolph, as sole executive; and the details were to be worked out by Mackenzie. The correspondence with Papineau and the other popular leaders in Lower Canada was to be conducted by the executive; and he was to communicate intelligence of their intended movements to his associates. It was understood that the day named for the rising should not be altered by any less authority than that by which it had been fixed. The insurgent forces were to be brought as secretly as possible to Montgomery's Hotel, on Yonge Street, about four miles north of the city of Toronto, between six and ten o'clock at night, when they were to march upon the city. A force of between four and five thousand was expected. The four thousand stand-of-arms in the City Hall were to be seized; the governor and his chief advisers were to be captured and placed in safe custody; the garrison was to be taken possession of. A convention, the members of which had begun to be elected in the previous August, was to be called; and a constitution, which had already assumed shape and form, was to be submitted for adoption. In the meantime, Dr. Rolph was to be administrator of the provisional government. Such was the helpless condition of the government, and so few were its willing supporters supposed to be, that all this was expected to be effected without the effusion of blood.[1]

[1] It is the fate of persons who fail in an enterprise of this kind

With the possible exception of the date of the intended outbreak, none of the movements designed to end in armed insurrection and revolution were

to have their motives misrepresented by their contemporaries; and it is sometimes not till the prejudice of their time has passed away that justice is done to them. Sir F. Head frequently stated, in written documents, that the object of the insurgents was to rob the banks and set fire to the city, forgetting that they were mainly composed of the wealthiest farmers in the county of York, the very class whom he (when it suited him) called "yeomen" and "gentlemen." "There can be no doubt," he wrote on one occasion, "that could Dr. Rolph and Mackenzie have succeeded in robbing the banks, they would immediately have absconded to the United States." "Nothing," wrote Mr. Hincks, afterwards governor of British Guiana, in the Toronto *Examiner*, in 1838, "in Sir F. Head's writings has given more disgust than this assertion." Of Dr. Rolph, Mr. Hincks proceeded to say that "he was the most talented and highly educated man in the province, and that there never was a man less likely to be influenced by pecuniary considerations." "With regard to Mackenzie," Mr. Hincks added, "it has been so much the fashion to accuse him of every crime which has disgraced humanity, that people really forget who and what he is. We can speak impartially of Mr. Mackenzie more particularly, because those who know us well know that we have never approved of his political conduct. Let us not be misunderstood. We agreed with him on certain broad principles, more particularly responsible government, and when those principles were involved, we supported him, and shall never regret it. As a private individual we are bound in justice to state that Mr. Maczenzie was a man of strict integrity in his dealings, and we have frequently heard the same admitted by his violent political opponents. He was not a rich man, because he never sought after wealth. Had he done so his industry and perseverance must have insured it. We do not take up our pen to defend the political character of either Dr. Rolph or Mr. Mackenzie; but when these false and malignant slanders are uttered, we shall always expose them. Are there ten people in Upper Canada who believe that the object of either Dr. Rolph or Mr. Mackenzie was to rob the banks and abscond to the United States?"

unknown to the government. In the beginning of September, intelligence of the purpose to which the organizations in the county were being turned, was conveyed to the governor. Before the middle of November, a short time prior to the fixing of the day of rising, two ministers called upon Attorney-General Hagerman one night at nine o'clock, and related what was going on in the townships of Gwillimbury, Albion, Vaughan, and other places. One of them was fresh from these scenes of excitement, where he had been travelling in a pastoral capacity. Hagerman was inclined to laugh in the faces of his informants. He did not believe, he said, there were fifty men in the province who would agree to undertake a descent upon Toronto; he would like to see the attempt made. One of the ministers replied by declaring his belief that there were, in the Home District alone, more than five hundred persons who had already determined upon such an attack. The same representations had already been made to the governor, in person; but, as he paid no attention to them, this appeal was made from the governor to the minister. But it was in vain. The one was found to be as deaf and as obstinate as the other. On October 31st, Sir Francis had refused the offer of a volunteer company to guard the Government House, preferring to wait, as he expressed it, till the lives or property of Her Majesty's subjects should require defence.

Nor was this all. Sir Francis made it a matter of boasting that, "in spite of the remonstrances which, from almost every district in the province," he received, he allowed Mackenzie "to make deliberate preparation for revolt;" that he allowed him "to write what he chose, to say what he chose, to do what he chose;" that he offered no opposition to armed assemblages for the purpose of drill. Nor did he rest satisfied with doing nothing to check preparations, the nature of which he understood so well; he encouraged the outbreak. For this purpose he sent all the troops from the province; and boasted that he had laid a trap to entice Mackenzie and others into revolt. Nothing could have been more culpable than this conduct of the governor. To encourage men to the commission of an act, and then to punish its performance with death, as in the case of Samuel Lount and Peter Mathews, approaches, very nearly, deliberate connivance at a crime.

Sir Francis, however, was not responsible for the executions. He had left the province before they took place; and many who were never admirers of his policy believe that he had too much magnanimity of character to have pursued a vindictive course in needlessly causing an effusion of blood. He released several prisoners, with arms in their hands, as soon as they were captured, though some of them, contrary to good faith, were arrested again.

In his viceregal speech on the opening of the third session of the thirteenth parliament of Upper Canada on December 28th, 1837, Sir Francis said, as he states in his *Narrative* "I considered that, if an attack by the rebels was inevitable, *the more I encouraged them to consider me defenceless the better*," and in the same work he boastingly reports: "I purposely dismissed from the province the whole of our troops." But when this extraordinary conduct on the part of the lieutenant-governor had been severely censured both in parliament and by the press, he denied that he had sent away the troops. "Many people," he says in the *Emigrant*, "have blamed, and I believe still blame, me for having, as they say, sent the troops out of the province. I, however, did no such thing." He then proceeds to throw on Sir John Colborne the blame of an act for which, before he had discovered that it was improper, he had eagerly claimed all the credit. "It was the duty of the government," said Sir Robert Peel, in a speech in the House of Commons, January 16th, 1838, "to have prepared such a military force in the colony as to have discouraged the exciters of the insurrection from pursuing the course they did." How great then must be the condemnation of the lieutenant-governor.

A draft of a constitution was prepared by Mackenzie, to be submitted to the proposed convention for adoption, after a provisional government

should have been established in Upper Canada. It was actually published by Mackenzie in his paper the *Constitution*, on November 15th, 1837, a few days before the 7th of December was fixed upon for a descent upon Toronto. When he left Toronto for the country, thirteen days before the intended outbreak, he took a small press and a printer with him, for the purpose of striking off copies of this document. The constitution of the United States was the model on which this was formed; the variations being chiefly the result of different circumstances.

CHAPTER XII

A SPURT OF CIVIL WAR

BY some means a knowledge of the intended rising reached several persons from whom Mackenzie would have desired to keep it a secret. Dr. Morrison was a party to the arrangement finally agreed upon. He is believed to have disclosed the plan of insurrection to several persons. What was going on came to the ears of Dr. Baldwin. The latter, it would seem, never mentioned it to his son, Robert; for that gentleman declared that he had no knowledge of it. Bidwell had refused to become a member of the proposed convention, and he does not appear to have attended the meetings at which insurrection was organized. There seems to be no reason to believe, however, that he is entitled to plead ignorance of the movement. He was asked his opinion on the legality of the shooting matches; he was the bosom friend of Dr. Rolph, with whom he was in the habit of cordially co-operating; and it has been stated that, without working with the dozen persons in Toronto who were actively engaged in the organization of the movement, he was secretly giving all the assistance he could. He accepted expatriation at the hands of Sir Francis when the revolt failed.[1]

[1] The day before the outbreak the governor was sitting in a room in

Previous to the day fixed for the outbreak in Upper Canada, the clash of arms had been heard in the Lower Province. On December 5th, Lord Gosford proclaimed martial law, and offered rewards for the apprehension of the patriot leaders. Dr. Nelson, who lived at St. Denis, hearing of the movement for the arrest of himself and the other leaders, prepared for resistance. Five companies of troops, with one field-piece and a detachment of Montreal cavalry under the command of Colonel Gore, arrived at St. Denis on the morning of November 23rd. The battle commenced about nine o'clock, and lasted till nearly four in the afternoon, being carried on with great bravery

the Government House, the windows of which were blocked up with rough timber and loopholed. Bidwell sent in his card. When he was admitted to an interview he was apparently so alarmed as to be unable to speak. Sir Francis, holding Bidwell's letters in his hand, pointed with them towards the window, saying: "Well Mr. Bidwell, you see the state to which you have brought us?" "He made no reply," writes the ex-lieutenant-governor, "and as it was impossible to help pitying the abject, fallen position in which he stood, I very calmly pointed out to him the impropriety of the course he had pursued, and then, observing to him, what he knew well enough, that if I were to open his letters his life would probably be in my hands, I reminded him of the mercy as well as the power of the British Crown; and I ended by telling him that, as its humble representative, I would restore to him his letters unopened, if he would give me, in writing, a promise that he would leave the Queen's dominions forever. . . . He retired to the waiting-room, wrote out the promise I had dictated, and returning with it, I received it with one hand, and with the other, according to my promise, I delivered to him the whole of his letters unopened. The sentence which Mr. Bidwell passed upon himself he faithfully executed." Sir Francis Bond Head, *The Emigrant.*

on both sides. The troops retired, leaving behind one cannon, some muskets, and five wounded. At St. Charles, the insurgents, under T. S. Brown, suffered a reverse. "The slaughter on the side of the rebels," writes Colonel Wetherall, "was great." "I counted," he adds, "fifty-six bodies, and many more were killed in the building and the bodies burnt." He was much censured for what was deemed unnecessary slaughter.

This reverse was destined to have a discouraging effect upon the insurgents in Upper Canada, where the work of final organization had commenced. Military leaders had to be chosen, and each assigned his post of duty. A tour of the neighbouring country had to be made, and this duty fell to Mackenzie. On the evening of November 24th—less than twenty-four hours before the defeat at St. Charles—he left Dr. Rolph's house on this mission. Just before starting, he mentioned to one or two persons who had not been parties to the plan of rising, what was going to take place; but he was very careful not to communicate the intelligence to any one on whose secrecy he felt he could not rely. Except in a single instance, no notices were sent beyond the limits of the metropolitan county of York. He visited Lloydtown, Stouffville, Newmarket, and other places in the north. His business was to make the necessary preparations for carrying out the plans agreed upon. Having no knowledge of military opera-

tions, he refused to assume a position of command for which he was by experience entirely unfitted. This determination he announced at Lloydtown, several days previous to the intended march upon Toronto. Samuel Lount and Anthony Anderson were then named to commands. Mackenzie deemed it essential to the success of the movement that it should be directed by persons of military skill and experience. He wrote to Van Egmond,[1] to be at Montgomery's Hotel on the evening of the seventh, to lead the forces into the city, and he placed much reliance upon him and other veterans whose services he deemed it of the utmost importance to secure.

On the night of December 3rd, Mackenzie, who had now been nine days in the country organizing the movement, arrived at the house of David Gibson, some three miles from the city. He there learnt with dismay that, in his absence, Dr. Rolph had changed the day for making a descent upon Toronto from Thursday to Monday, December 4th. Various reasons have been assigned for this change. There was a rumour that a warrant was out for the arrest of Mackenzie for high treason—which was true—and that cannon were being mounted in the park surrounding the Government House—which was false. The publication of certain

[1] Van Egmond was a native of Holland, and, as a colonel in Napoleon's army, had seen much service. He also held an English colonelcy. He owned thirteen thousand acres of land in the western part of the province.

militia orders is said to have been regarded as proof that the government was on the alert. It was said that the governor had a letter from the country disclosing all the plans of the patriots; and that the council, concluding at last that there was real danger, had commenced a distribution of arms. The real truth was, as a verbal message sent to Lount stated, Dr. Rolph became alarmed, under the impression that the government was giving out the arms at the City Hall, and arming men to fill the garrison and form companies to arrest the leaders of the revolt expected between then and the next Thursday; and that they had already distributed one hundred stand-of-arms, and had become aware of the day fixed for the rising. These circumstances, the message added, rendered it necessary that Lount and his men should be in town on Monday night. Regarding the change of day as a fatal error, Mackenzie despatched one of Gibson's servants with a message to Lount, who resided near Holland Landing, some thirty-five miles from Toronto, not to come till Thursday, as first agreed upon. But it was too late. The messenger returned on Monday afternoon with Lount's reply that the intended rising was publicly known all through the north; and that the men had been ordered to march, and were already on the road. Rude pikes formed the weapons of the majority; a few had rifles; there were no muskets.

Much annoyed at the unexpected change in the programme, Mackenzie, with the natural intrepidity of his nature, resolved to make the best of it. When Lount arrived in the evening, he brought only about eighty or ninety men, exhausted with a march of between thirty and forty miles through deep mud, and dispirited by the news of the reverse in Lower Canada. Though Dr. Rolph had met Mackenzie that morning at James Hervey Price's house on Yonge Street, a couple of miles or so from Toronto, they had no intelligence of the state of the town after ten o'clock. Rolph had returned, and no messenger came to bring Mackenzie and his friends any news of what was going on in the city. Regarding it as all important that communication with the city should be cut off, for the purpose of preventing any intelligence being sent to the government, Mackenzie advised the placing of a guard upon the road; and that the handful of jaded men who had arrived should summon all their powers of endurance and march on the city that night. No one seconded his proposal. Lount, Lloyd and Gibson all protested against what they regarded as a rash enterprise. They deemed it indispensable to wait till the condition of the city could be ascertained, or till they were sufficiently reinforced to reduce to reasonable limits the hazard of venture in which all concerned carried their lives in their hands.

Thus the golden opportunity was lost. Delay was defeat. At this time the number of men under

Lount, reinforced as they would have been in the city, would have been quite sufficient to effect the intended revolution, since the government was literally asleep and had few true friends.

Failing in this proposal, Mackenzie next offered to make one of four who should go to the city, ascertain the state of matters there, whether an attack would be likely to be attended with success, spur their friends into activity with a view to an attack the next evening, and bring Drs. Rolph and Morrison back with them. Captain Anderson, Shepard, and Smith, volunteered to join him. They started between eight and nine o'clock. Before they had proceeded far they met John Powell with Archibald Macdonald, mounted, acting as a sort of patrol. Mackenzie pulled up, and, with a double-barrelled pistol in his hand, briefly informed them of the rising, and added that, as it was necessary to prevent intelligence of it reaching the government, they must surrender themselves prisoners, and in that character go to Montgomery's Hotel, where they would be well treated. Any arms they might have upon their persons, they must surrender. They replied that they had none; and when he seemed sceptical as to the correctness of the reply, they repeated it. Mackenzie then said, "Well, gentlemen, as you are my townsmen and men of honour, I should be ashamed to show that I question your word by ordering you to be searched."

Placing the two prisoners in charge of Anderson

and Shepard, he then continued his course, with his remaining comrade, towards the city. Before they had gone far, Powell, who had returned, rode past them. While he was passing, Mackenzie demanded the object of his return, and told him, at his peril, not to proceed. Regardless of this warning, the government messenger kept on. Mackenzie fired at him over his horse's head, but missed his mark. Powell now pulled up, and, coming alongside Mackenzie, placed the muzzle of a pistol close to his antagonist's breast. A flash in the pan saved the life of the insurgent chief.

Macdonald now also came up on his return. He seemed much frightened; and, being unable to give any satisfactory explanation, was sent back a second time by Mackenzie. In the meantime, Powell escaped. He dismounted, and finding himself pursued, hid behind a log for a while; and then by a devious course proceeded to Toronto. He went at once to Government House, and aroused the governor from his slumbers. His Excellency placed his family and that of Chief Justice Robinson on board a steamer lying in the bay, ready to leave the city if the rebels should capture it. Mackenzie, having sent his last remaining companion back with Macdonald to Montgomery's Hotel, now found himself alone. A warrant had for some time been out for his arrest on a charge of high treason, and the government, informed of the presence of the men at Montgomery's, was already astir. It

would have been madness for him to proceed companionless to the city, and so he turned his horse's head and set out for Montgomery's. Before he had proceeded far he found, lying upon the road, the dead body of Anderson, who had fallen a victim to Powell's treachery. Life was entirely extinct. Anderson and Shepard, as already stated, were escorting Powell and Macdonald as prisoners to the guard-room of the patriots at Montgomery's Hotel. Powell, who, on being captured, had twice protested that he was unarmed, slackened the pace of his horse sufficiently to get behind his victim, when he shot him with a pistol through the back of the neck. Death was instantaneous. Shepard's horse stumbled at the moment, and Powell was enabled to escape. As there was now only one guard to two prisoners, he could not have hoped to prevent their escape. Macdonald followed his associate.

On which side life had first been taken it would be difficult to determine; for, when Mackenzie got back to Montgomery's Hotel, he found that Colonel Moodie, inflamed by liquor, had, in trying to force his way past the guard at the hotel, at whom he fired a pistol, been shot by a rifle. The guards who returned the fire missed their aim, when one of the men, Ryan, who was standing on the steps in front of the hotel, levelled his rifle at Colonel Moodie, of whom the light of the moon gave a clear view, and fired the fatal shot.

Lount's men were a good deal dispirited by the

death of Anderson. And they had no particular reasons for being in good humour. Lingfoot, by whom Montgomery's Hotel was kept, had no provisions to offer them; and none could be procured that night. The handful of countrymen, exhausted by their long march, with no man of military experience to excite their confidence, had to sup on bad whiskey and recline upon the floor, where many from sheer fatigue fell sound asleep. The rest were still uneasy as to the state of things in the city. The bells had been set a-ringing; and they were uncertain as to the rumours about the arrival of steamboats laden with Orangemen and other Loyalists. They had expected to learn the exact state and condition of the city from their friends there. Mackenzie with three companions, as we have seen, had failed to reach the city, where the wished-for intelligence might have been obtained. Other messengers were sent, but none returned. They were made prisoners. It is probable that Dr. Morrison attempted to convey to them the information they so much needed; for it is pretty certain that he passed the toll-gate on his way out. But the sight of Captain Bridgeford, a government sympathizer, in all probability compelled him to go back.

By midnight, the numbers were increased; and before morning, Mackenzie, with his natural impetuosity of disposition, again proposed to march on the city; but he was again overruled. And

indeed, the chance of success was already much diminished, because the government had now had several hours for preparation. To Mackenzie's proposal it was objected that nothing was known of the state of the garrison; the city bells had sounded an ominous alarm ; the forces expected from the west had not arrived ; and the executive in the city, by whom the premature rising had been ordered, had sent no communication.

Next day, the relative force of the two parties was such that the patriots might, if properly armed, have obtained certain conquest. They had between seven and eight hundred men; but many of them were unarmed. The rest had rifles, fowling-pieces, and pikes. Many of those who were unarmed returned, almost as soon as they discovered there were no weapons for their use. Provisions, including fresh and salt beef from a Loyalist butcher who lived up Yonge Street, about two miles above Montgomery's, were obtained for the men. Sir Francis claims to have had three hundred supporters in the morning, and five hundred in the evening; but the statement has been disputed and is open to doubt. His fears may be judged by his holding parley with armed insurgents. On Tuesday, the fifth, he sent a flag of truce to the rebel camp, with a message asking what it was they wanted. There is no reason to doubt that this was a stratagem to gain time. Mackenzie replied: "Independence and a con-

vention to arrange details." He added that the lieutenant-governor's message must be sent in writing, and feeling time to be precious, he said it must be forthcoming in one hour.

Whom had Sir Francis selected as the medium of communication between himself and the rebels? This question touches on one of the most painful subjects I have to deal with in this work. Robert Baldwin could hardly have been entirely ignorant of what every one who read the newspapers of the day must have been informed; but he had neither part nor lot in the revolt. But Mackenzie himself was not deeper in the rebellion than Dr. Rolph; and his acceptance of the post of mediator between the men he had encouraged into insurrection and the government against which they had been induced to rebel, is so extraordinary an act that it is almost impossible to account for it. The only possible explanation lies in the difficulty of his position, which arose from his being asked to undertake this office. Sheriff Jarvis went to Price —so the latter says—and appealed to him, in the name of God, to give his assistance "to stop the proceedings of those men who are going to attack us." Price replied, with much reason, that if he should go out it would be said that he went to join the rebels. And he suggested: "Why not go to Baldwin, Dr. Rolph, or Bidwell?" If Rolph had persisted in refusing he would have laid himself open to suspicion—as he did by a

first refusal; and if he had been arrested, the worst might have happened. The Doctor's returning prudence may have bid him go; and perhaps he thought he could perform this mission without serious injury to his friends in the field.[1] But the

[1] Samuel Lount, being examined before the commission on treason, December 13th, 1837, said: "When the flag of truce came up, Dr. Rolph addressed himself to me; there were two other persons with it besides Dr. Rolph and Mr. Baldwin. Dr. Rolph said he brought a message from His Excellency the lieutenant-governor to prevent the effusion of blood, or to that effect. At the same time, *he gave me a wink to walk on one side,* when he requested me not to heed the message, but to go on with our proceedings. What he meant was not to attend to the message. Mackenzie observed to me that it was a verbal message, and that it had better be submitted in writing. I took the reply to the lieutenant-governor's message to be merely a put off. . . . I heard all that was said by Dr. Rolph to Mr. Mackenzie, which is as above related." Of this statement, Dr. Rolph, in 1852, induced the flag-bearer, Hugh Carmichael, to sign a denial in these terms: "During the going out and staying on the ground, and returning to the city, as above stated (all of which was promptly done), Dr. Rolph, Mr. Baldwin, and myself, being all on horseback, kept in close phalanx, not a yard apart. Neither of the persons mentioned could have got off his horse, nor could he have winked to Mr. Lount and walked aside and communicated with him, nor have said anything irrelevant to the flag of truce, or against its good faith, as is untruly alleged, without my knowledge." There are yet three other witnesses besides Mackenzie; and as it is not my business to accuse or excuse anybody, but to get at the truth, their testimony must be given. Mr. Baldwin made a statement relating to the second visit to the rebels, when the answer of the lieutenant-governor was taken. Carmichael alleges that till the flag of truce was at an end, Dr. Rolph could not have done what was attributed to him by Lount, whose statement was corroborated, in one way or another, by three or four persons. Carmichael's statement, it will be seen, does not go to the extent of saying that, after the lieutenant-governor's reply was delivered and the flag of truce declared at an end, Dr. Rolph did not tell

effect of his arrival with a flag of truce, about one o'clock, threw a damper on the zeal of the men. They fancied that when he appeared in the service of the governor, the patriot cause must be desperate. Mackenzie did not venture to tell the real state of the case to more than five or six persons; for if it had been publicly announced, the fact might have reached town and occasioned the Doctor's arrest. The intelligence that Bidwell had been asked to accept the mission undertaken by Rolph, created the false impression that they were both opposed to Mackenzie's movement. Lount, to whom he addressed himself, says Dr. Rolph secretly advised him to pay no attention

Lount to take his men into the city. It leaves that question untouched. Mr. Baldwin's evidence, taken in connection with Carmichael's on this point, is very important. "On the return of the Doctor and myself, the second time," he says, "with the lieutenant-governor's reply that he would not give anything in writing, we found the insurgents at the first toll-gate, and turned aside to the west of Yonge Street, where we delivered this answer; after which Dr. Rolph requested me to wait for him. *I did wait some time, during which he was out of my sight and hearing.* I was then directed to ride westerly; this occupied the time while I was riding at a common walk from Yonge Street to the College Avenue, probably three-eighths of a mile. The direction to ride westerly, as I then supposed, was for the purpose of the flag being carried to the city by way of the College Avenue. Shortly after reaching the avenue, however, I was joined by Dr. Rolph, and we returned together by way of Yonge Street. I have no reason to know what communication took place between Dr. Rolph and the insurgents when he was out of my sight and hearing."—Appendix, *Assembly's Journals*, 1837-8, p. 406. William Alves, who was present, says that, on the second visit, Dr. Rolph advised the rebels to go into the city.

to the message, but to proceed. Mackenzie told Lount this advice must be acted upon; and the order to proceed was given.

Lount was advised by Mackenzie to march his men into the city without loss of time, and take up a position near Osgoode Hall. Mackenzie then rode westward to the larger body of insurgents, near Colonel Baldwin's residence, and ordered an instant march on the city. When they reached the upper end of College Avenue, a second flag of truce arrived. The answer brought by Baldwin and Dr. Rolph was that the governor refused to comply with the demands of the insurgents. The truce being at an end, Dr. Rolph secretly advised the insurgents to wait till six o'clock, and then

P. C. H. Brotherton, another of the insurgents, made oath to the same effect on December 12th, before Vice-Chancellor Jameson, and stated that Dr. Rolph had told him, on the eighth, that "Mackenzie had acted unaccountably in not coming into the town; and that he expected him in half an hour after he returned with the flag." These statements are sufficiently conclusive as to the general fact; the only question that is not settled is, whether it was on the first or second visit that Dr. Rolph told the insurgents to go into the city. Did he give this advice on the occasion of both visits? Mackenzie and Lount say the order to go into the city was given on the first visit. Against this positive evidence, Dr. Rolph produces his own denial and a statement from the flag-bearer, who attempts to prove a negative from the alleged impossibility of the occurrence taking place. It must be explained that the statement signed by Carmichael was prepared in Quebec, where it was dated and taken thence to Toronto for signature. Besides this, Carmichael was not very consistent in his statements of the affair, having told a very different story at other times. The weight of the evidence is therefore entirely in favour of the correctness of Lount's statement.

enter the city under cover of night. Reinforcements to the number of six hundred were expected in the city; and they were to be ready to join the forces from the country as soon as the latter arrived. Accordingly, at a quarter to six, the whole of the insurgent forces were at the toll-bar on Yonge Street, about a mile from the principal street of the city, on which the Government House, west of the line of Yonge Street, was situated. Mackenzie addressed the men and endeavoured to inspire them with courage by representing that there would be no difficulty in taking the city. The government, he said, was so friendless that it had only been able to muster a hundred and fifty defenders, including the college boys; and the governor's family had been put on a steamer ready to take flight. The actual force claimed by Sir Francis on Tuesday night was "about five hundred."

The patriot forces were a half-armed mob, without discipline, headed by civilians, and having no confidence in themselves or their military leaders. Lount's men, who were armed with rifles, were in front; the pikemen came next, and in the rear were a number of useless men having no other weapons than sticks and cudgels. Captain Duggan, of the volunteer artillery, another officer, and the sheriff's horse, fell into the hands of the insurgents when they were within about half a mile of the city. At this point they were fired upon by an

advanced guard of Loyalists concealed behind a fence, and whose numbers—of which the insurgents could have no correct idea—have been variously stated at from fifteen to thirty, and shots were exchanged. After firing once, the Loyalists, under Sheriff Jarvis, started back at full speed towards the city. The front rank of Lount's men, instead of stepping aside after firing to let those behind fire, fell down on their faces. Those in the rear, being without arms and fancying that the front rank had been cut down by the muskets of the small force who had taken a random shot at them, were panic stricken; and in a short time nearly the whole force was on the retreat. Many of the Lloydtown pikemen raised the cry, "We shall all be killed," threw down their rude weapons, and fled in great precipitation. Mackenzie, who had been near the front, and in more danger from the rifles behind than from the musketry of the Loyalists, stepped to the side of the road and ordered the men to cease firing. He was of opinion that one of the insurgents, who had been shot, fell from a rifle bullet of an unskilful comrade. The impetuous and disorderly flight had, in a short time, taken all but about a score beyond the toll-gate. The mortification of Mackenzie may be imagined. Hoping to rally the men, he sent Alves back to explain to them that the danger was imaginary; and putting spurs to his horse he followed at a brisk pace immediately after, for the same purpose. When they came to a

halt, he implored them to return. He told them that the steamers had been sent off to bring the Orangemen from the other districts; that whatever defenders the government had in the city were in desperate alarm; that the success, which could now be easily achieved, might on the morrow be out of their reach; that the moment the timidity of the patriots became known, the government would gain new adherents; and that if they did not return, the opportunity for the deliverance of the country would be lost. In this strain he addressed successive groups. He coaxed and threatened. He would go in front with any dozen who would accompany him. Relying upon the succour they would meet in the city, he offered to go on if only forty men would go with him. Two or three volunteers presented themselves; but the general answer was that, though they would go in daylight, they would not advance in the dark.

The majority lost no time in returning to their homes. And although some two hundred additional forces arrived during the night, the whole number, on the Wednesday, had dwindled down to about five hundred and fifty. One cause of the panic on Tuesday night arose from the alarming stories, told by some persons who had joined them from Toronto, of the preparations in the city; how the Tories, protected by feather-beds and mattresses, would fire from the windows of the houses and make terrible slaughter of the patriots.

Dr. Horne's house, close to Yonge Street, the rendezvous of spies, was burnt by the rebels, as those of Montgomery and Gibson were subsequently by the Loyalists. In Horne's house a search was made for papers that might show what information was being asked by the government or sent to it; and the fire was caused by the upsetting of the stove. Nothing whatever was taken out of the house.

That night Dr. Rolph sent a messenger to Montgomery's to inquire of Mackenzie the cause of the retreat. The answer was sent back in writing, and next morning, despairing, it would seem, of all hope of success, Rolph set out for the United States as a place of refuge. He was soon to be followed by a large number of others.

Wednesday opened gloomily upon the prospects of the insurgents. Morrison remained in his house. Mackenzie called the men together and explained to them the reason for the strong censures he had used on the retreat the previous evening. If they had taken his advice and been ready to follow his example, Toronto would have been theirs. The enemy had, in the meantime, been largely reinforced. They were well officered, well armed, and had command of the steamers for bringing up further reinforcements. If the patriots were to succeed it was essential that they should have confidence in themselves. They were greatly in want of arms; the four thousand muskets and bayonets

they had intended to seize were now ready to be turned against them.

Mackenzie, Lount, Alves, and several others set off on horseback to collect arms to intercept the western mail, which would convey intelligence which it was desirable should not be communicated to the friends of the government, and to make prisoners of persons who might be carrying information for the government to the disadvantage of the insurgents. The mail-stage, coming into Dundas Street, the principal western entrance into Toronto, was captured, and with the driver, mails, and several prisoners was taken to the rebel camp. Among the letters were some addressed by the president of the executive council to persons in the country, and containing information that the government expected soon to be able to make an attack at Montgomery's. Mackenzie, not knowing that Rolph had fled, wrote to him to send the patriots timely notice of the intended attack; but of course he got no answer. The messenger never returned. A man on horseback told them that the government intended to make the attack on Thursday, and the information proved correct.

Thursday found division in the patriot camp. Gibson objected to Mackenzie's plans, though they were sanctioned by Colonel Van Egmond, who, true to the original understanding, had just arrived. Gibson's objections led to a council of war. Those who objected to Mackenzie's plans proposed no substi-

tute. A new election of officers took place. This caused great delay. The plan suggested by Van Egmond, and adopted by Mackenzie, was to try to prevent an attack on Montgomery's till night, in the hope that by that time large reinforcements might arrive. And there was some reason in this, for this was the day originally fixed for the general rising, and a notification of the alteration had been sent only to Lount's division. One man had a force of five hundred and fifty ready to bring down, and many others who were on the way, when they found it was all up with the patriots, in order to save themselves, pretended they had come down to assist the government to quell the insurrection. A militia colonel was to contribute a couple of fat oxen to the rebel cause. Another colonel had made the patriots a present of a gun, a sword, and some ammunition. Thousands, whom prudence or fear kept aloof from the movement, wished it success. Under these circumstances, the only hope of the patriots seemed to lie in preventing an attack till night. In order to accomplish this the city must be alarmed. Sixty men, forty of them armed with rifles, were selected to go to the Don Bridge, which formed the eastern connection with the city, and destroy it. By setting this bridge and the adjoining house on fire it was thought the Loyalist force might be drawn off in that direction, and their plan of attack broken up. The party sent eastward was to intercept the Montreal mails. The rest of the men

who had arms "were to take the direction of the city, and be ready to move either to the right or the left, or to retreat to a strong position as prudence might dictate."

A party was sent eastward, as agreed upon; the bridge and house were fired and partly burnt, and the mails intercepted. But the delay of two hours occasioned by the council of war proved fatal. Three steamers had, in the meantime, been bringing reinforcements to the alarmed governor.

Toronto contained twelve thousand inhabitants, and if the government had not been odious to the great majority of the people, it ought to have been able to raise a force sufficient to beat back four hundred rebels; for to this number the patriot army had been reduced. But neither Toronto nor the neighbouring country furnished the requisite force, and Sir Francis had awaited in trembling anxiety the arrival of forces from other parts of the province. Having at length determined on an attack, Sir Francis assembled the "overwhelming forces" at his command, under the direction of Colonel Fitzgibbon. The main body was headed by Colonel MacNab, the right wing being commanded by Colonel S. Jarvis, the left by Colonel William Chisholm, assisted by Mr. Justice McLean. Major Cafrae, of the militia artillery, had charge of two guns. The order to march was given about twelve o'clock, and at one the Loyalists and the patriot forces were in sight of one another.

THE FIGHT AT MONTGOMERY'S FARM

When the sentinels at Montgomery's announced that the Loyalists were within sight, with music and artillery, the patriots were still discussing their plans. Preparation was at once made to give them battle. Mackenzie, at first doubting the intelligence, rode forward till he became convinced by a full view of the enemy. When he returned, he asked the small band of patriots whether they were ready to encounter a force greatly superior in numbers to themselves, well armed, and provided with artillery. They replied in the affirmative, and he ordered the men into a piece of thin woods on the west side of the road, where they found a slight protection from the fire of the enemy they had to encounter. A number of the men took a position in an open field, on the east side of the road. The men in the western copse had to sustain nearly the whole fire of the artillery from Toronto. "And never," says Mackenzie, "did men fight more courageously. In the face of a heavy fire of grape and canister, with broadside following broadside of musketry in steady and rapid succession, they stood their ground firmly, and killed and wounded a large number of the enemy, but were at length compelled to retreat."

Some are of the opinion that the fighting lasted an hour; but there are different opinions on this point. Mackenzie remained on the scene of action till the last moment; in fact until the mounted Loyalists were just closing upon him. "So un-

willing was Mackenzie to leave the field of battle," says an eye-witness, "and so hot the chase after him, that he distanced the enemy's horsemen only thirty or forty yards, by his superior knowledge of the country, and reached Colonel Lount and our friends on the retreat, just in time to save his neck." Immediately £1,000 reward was offered for his apprehension.

This day was the turning-point in his career. It witnessed the almost total wreck of long cherished hopes. The hope of peaceable reform had for some time been extinguished; that of successful revolution had been next indulged. Instead of finding himself the hero of a revolution, he only preserved his life by going into exile. Foiled in an enterprise in which he risked all, he lost all. Ruined in property, blighted in prospects, exiled and outlawed, with a price upon his head, how complete was the wreck of his fortune and his hopes.[1]

[1] His ruin resulted from the failure of the insurrection. At the time of the outbreak, his printing establishment was the largest and the best in Upper Canada; and, although not rich, he was in good circumstances. In the previous year his account for public printing was $4,000. His book-store contained twenty thousand volumes, and he had an extensive bindery. He had town lots in Dundas, a farm lot in Garafraxa, and a claim to a proportion of the immense Randal estate. A large amount was owing to him; and all he owed was only about £750. Such of his movable property as was not destroyed by violence or stolen was never satisfactorily accounted for, though part of it went to pay some of his creditors, who got judgments against him under the fiction of his being an absconding debtor.

The governor thought it necessary, so he has told the world, to "mark and record, by some stern act of vengeance, the important victory" that had been achieved over the insurgent forces. In the presence of the militia, he determined to burn John Montgomery's Hotel and David Gibson's dwelling house, and this was done.

We left Mackenzie at the close of the defeat at Montgomery's; and he must now be allowed to tell the story of his escape in his own words.

"It evidently appearing that success for the insurgents was, at that time, impossible, the colonel and many others gave way, and crossed the field to the parallel line of road west of Yonge Street. I endeavoured to get my cloak, which I had left at the hotel, through which Captain Fitzgibbon's men were just then sending their six-pound shots with good effect, but too late. Strange to tell, that cloak was sent to me years afterwards, while in prison, but by whom I know not.

"Perceiving that we were not yet pursued, I passed on to Yonge Street, beyond Lawyer Price's, and the first farmer I met, being a friend, readily gave me his horse—a trusty, sure-footed creature, which that day did me good service. Before I had ridden a mile the smoke rose in clouds behind me, and the flames of the extensive hotel and outbuildings arrested my attention, as also another cloud of smoke which I then supposed to be from

the Don Bridge, in the city, which we had sent a party to destroy or take possession of. Colonel Fletcher, now of Chautauqua county, N.B., handed me an overcoat, and told me he would make for the States, but not by the head of Lake Ontario.

"Although it was known that we had been worsted, no one interrupted us, save in friendship. Dr. ——, from above Newmarket, informed me that sixty armed friends were on their way, close by. I assured him it was too late to retrieve our loss in that way, and bade him tell them to disperse. Some, however, went on as volunteers for Sir Francis Bond Head; the rest returned to their homes.

"At the Golden Lion, ten miles above the city, I overtook Colonel Anthony Van Egmond, a Dutch officer of many years' experience under Napoleon. He agreed with me that we should at once make for the Niagara frontier, but he was taken, almost immediately after, by a party who had set out from Governor Head's camp to gain the rewards offered then and there.

"Finding myself closely pursued and repeatedly fired at, I left the high road with one friend (Mr. J. R.) and made for Shepard's Mills. The fleetest horsemen of the official party were so close upon us that I had only time to jump off my horse and ask the miller himself (a Tory) whether a large body of men, then on the heights, were friends or foes,

before our pursuers were climbing up the steep ascent almost beside me.

"When I overtook Colonel Lount, he had, I think, about ninety men with him, who were partly armed. We took some refreshment at a friendly farmer's near by. Lount was for dispersing. I proposed that we should keep in a body and make for the United States via the head of Lake Ontario, as our enemies had the steamers; but only sixteen persons went with me. I had no other arms than a single-barrel pistol, taken from Captain Duggan during our Tuesday's scuffle, and we were all on foot. Some of my companions had no weapons at all.

"We made for Humber Bridge, through Vaughan, but found it strongly guarded; then went up the river a long way, got some supper at the house of a farmer, crossed the stream on a foot-bridge, and by two next morning, the eighth, reached the hospitable mansion of a worthy settler on Dundas Street, utterly exhausted with cold and fatigue.[1]

"Blankets were hung over the windows to avoid suspicion, food and beds prepared, and, while the Tories were carefully searching for us, we were sleeping soundly. Next morning (Friday) those who had arms buried them, and after sending to inquire whether a friend a mile below had been dangerously wounded, we agreed to separate and

[1] The house of Absalom Wilcox, who had several sons engaged in the revolt, one of whom was afterwards on Navy Island.

make for the frontier, two and two together. Allan Wilcox, a lad in his nineteenth or twentieth year, accompanied me, and such was my confidence in the honesty and friendship of the country folks, Protestant and Catholic, European and American, that I went undisguised and on foot, my only weapon at the time being Duggan's pistol, and this not loaded. Address was now wanted more than brute force.

"We followed the concession parallel, and next to the Great Western Road saw and talked with numbers of people, but with none who wanted the government reward. About three in the afternoon, we reached Comfort's Mills, near Streetsville; we were there told that Colonel Chisholm and three hundred of the hottest Orangemen, and other most violent partisans, were divided into parties searching for us. Even from some of these there was no real danger. They were at heart friendly.

"Mr. Comfort was an American by birth, but a resident of Canada. I asked his wife for some bread and cheese, while a young Irishman in his employ was harnessing up his wagon for our use. She insisted on our staying to dinner, which we did. Mr. Comfort knew nothing of the intended revolt, and had taken no part in it, but he assured me that no fear of consequences should prevent him from being a friend in the hour of danger. After conversing with a number of people there, not one of whom said an unkind word to us, my companion

and I got into the wagon and the young Emeralder drove us down the Streetsville road, through the Credit Village (Springfield) in broad daylight, and along Dundas Street, bills being then duly posted for my apprehension, and I not yet out of the county which I had been seven times chosen by its freeholders to represent. Yet, though known to everybody, we proceeded a long way west before danger approached. At length, however, we were hotly pursued by a party of mounted troops; our driver became alarmed, and with reason, and I took the reins and pushed onward at full speed over a rough, hard-frozen road, without snow. Our pursuers nevertheless gained on us, and when near the Sixteen-Mile Creek, we ascertained that my countryman, Colonel Chalmers, had a party guarding the bridge. The creek swells up at times into a rapid river; it was now swollen by the November rains. What was to be done? Young Wilcox and I jumped from the wagon, made toward the forest, asked a labourer the road to Esquesing to put our pursuers off our track, and were soon in the thickest of the patch of woods near the deep ravine, in which flows the creek named and numbered arithmetically as the Sixteen.

"Trafalgar was a hot-bed of Orangeism, and as I had always set my face against it and British nativism, I could hope for no friendship or favour, if here apprehended. There was but one chance for escape, however, surrounded as we were—for the

young man had refused to leave me—and that was to stem the stream, and cross the swollen creek. We accordingly stripped ourselves naked, and with the surface ice beating against us, and holding our garments over our heads, in a bitterly cold December night, we buffeted the current, and were soon up to our necks. I hit my foot against a stone, let fall some of my clothes (which my companion caught), and cried aloud with pain. The cold in that stream caused me the most cruel and intense sensation of pain I ever endured, but we got through, though with a better chance for drowning, and the frozen sand on the bank seemed to warm our feet when we once more trod upon it.

"In an hour and a half we were under the hospitable roof of one of the innumerable agricultural friends I could then count in the country. I was given a supply of dry flannels, food, and an hour's rest, and have often wished since, not to embark again on the tempestuous sea of politics, but that I might have an opportunity to express my grateful feelings to those who proved my faithful friends in the hour when most needed. I had risked much for Canadians, and served them long, and as faithfully as I could, and now, when a fugitive, I found them ready to risk life and property to aid me—far more ready to risk the dungeon, by harbouring me, than to accept Sir Francis Head's thousand pounds. The sons and daughters of the Nelson

farmer kept a silent watch outside in the cold, while I and my companion slept.

"We crossed Dundas Street about 11 o'clock p. m., and the Twelve-Mile Creek I think, on a fallen tree, about midnight. By four, on Saturday morning, the ninth, we had reached Wellington Square by the middle road. The farmers' dogs began to bark loudly, the heavy tramp of a party of horsemen was heard behind us—we retired a little way into the woods—saw that the men were armed—entered the road again—and half an hour before twilight reached the door of an upright magistrate, which an English boy at once opened to us. I sent up my name, was requested to walk upstairs (in the dark) and was told that the house, barns, and every part of the premises had been twice searched for me that morning, and that MacNab's men, from Hamilton, were scouring the country in all directions in hope of taking me. I asked if I had the least chance to pass down by the way of Burlington Beach, but was answered that both roads were guarded, and that Dr. Rolph was, by that time, safe in Lewiston.

"Believing it safest, we went behind our friend's house to a thicket. He dressed himself, followed us, gave a shrill whistle, which was answered, and all three of us were greatly puzzled as to what safe course I could possibly take. As my companion was not known, and felt the chill of the water and the fatigue, he was strongly advised

to seek shelter in a certain house not far off. He did so, reached the frontier safely, and continued for four months thereafter very ill.

"At dawn of day it began to snow, and, leaving foot-marks behind me, I concluded to go to a farm near by. Its owner thought I would be quite safe in his barn, but I thought not. A pease-rick, which the pigs had undermined all round, stood on a high knoll, and this I chose for a hiding-place. For ten or twelve days I had slept, when I could get any sleep, in my clothes, and my limbs had become so swollen that I had to discard my boots and wear a pair of slippers; my feet were wet, I was very weary, and the cold and drift annoyed me greatly. Breakfast I had had none, and in due time Colonel McDonell, the high sheriff, and his posse stood before me. House, barns, cellars, and garret were searched, and I the while quietly looking on. The colonel was afterwards second in command to Sir Allan MacNab, opposite Navy Island; and when I lived in William Street, some years ago,[1] he called on me, and we had a hearty laugh over his ineffectual exertions to catch a rebel in 1837.

"When the coast seemed clear, my terrified host, a wealthy Canadian, came up the hill as if to feed his pigs, brought me two bottles of hot water for my feet, a bottle of tea, and several slices of bread and butter; told me that the neighbourhood was

[1] In 1844.

literally harassed with bodies of armed men in search of me, and advised that I should leave that place at dark, but where to go he could not tell me. He knew, however, my intimate acquaintance with the country for many miles round. Years thereafter he visited me when in Monroe County Prison, and much he wondered to see me there. After I had left his premises he was arrested; but he had powerful friends, gave bail, and the matter ended there.

"When night had set in, I knocked at the next farmer's door; a small boy who lived, I think, with one of the brothers Chisholm (strong government men, collectors, colonels, etc.), or who was their nephew or other relative, came to me. I sent in a private message by him, but the house had been searched so often for me that the indwellers dreaded consequences, and would not see me. The boy, however, volunteered to go with me, and we proceeded by a by-path to the house of Mr. King, who lived on the next farm to Colonel John Chisholm, which was then the headquarters of the Tory militia. The boy kept my secret; I had supper with Mr. King's family, rested for an hour, and then walked with him toward my early residence, Dundas village, at the head of Lake Ontario. We saw a small party of armed men on the road, near the mills of an Englishman, but they did not perceive us. Mr. King is now dead, but the kind attention I met with under his hospitable roof I shall never forget. Why should such a people as I tried and proved

in those days ever know hardship, or suffer from foreign or domestic misrule?

"We went to the dwelling of an old friend, to whom I stated that I thought I would now make a more speedy, yet equally sure, progress on horseback. He risked at once, and that too most willingly, not only his horse, but also the knowledge it might convey that he had aided me. Mr. King returned home, and I entered the village alone in the night, and was hailed by some person who speedily passed on. I wanted to take a friend with me, but durst not go to wake him up; there was a guard on duty at the hotel, and I had to cross the creek close by a house I had built in the public square. I then made for the mountain country above Hamilton, called at Lewis Horning's, but found a stranger there, passed on to the dwellings of some old Dutch friends, who told me that all the passes were guarded—Terryberry's, Albion Mills, every place.

"I got a fresh horse near Ancaster, from an old comrade[1]—a noble animal which did me excellent service—pursued my journey, on a concession parallel to the Mountain Road above Hamilton, till I came near to a house well lighted up, and where a guard was evidently posted to question wayfarers. As it then seemed the safest course, I

[1] Mr. Jacob Rymal. Mr. Mackenzie awoke him about midnight, explained his situation, and asked if he could not let him have a horse. "The best I have," was the unhesitating reply.

pulled down the worm fence, and tried to find my way through the Binbrook and Glanford woods, a hard task in the daylight, but far worse in the night time. For several weary hours did I toil through the primeval forest, leading my horse, and unable to get out or to find a path. The barking of a dog brought me, when near daylight, on the tenth, to a solitary cottage, and its inhabitant, a negro, pointed out to me the Twenty-Mile Creek, where it was fordable. Before I had ridden a mile, I came to a small hamlet, which I had not known before, entered a house, and, to my surprise, was instantly called by name, which, for once, I really hesitated to own, not at all liking the manner of the farmer who had addressed me, though I now know that all was well intended.

"Quite carelessly, to all appearance, I remounted my horse and rode off very leisurely, but turned the first angle and then galloped on, turned again, and galloped still faster. At some ten miles distance perhaps, a farm newly cleared and situated in a by-place seemed a safe haven. I entered the house, called for breakfast, and found in the owner a stout Hibernian farmer, an Orangeman from the north of Ireland, with a wife and five fine curly-headed children. The beam of a balance, marked 'Charles Waters, Maker,' had been hung up in a conspicuous place, and I soon ascertained that said Charles resided in Montreal, and that my entertainer was his brother.

"I took breakfast very much at my leisure, saw my horse watered and fed with oats in the sheaf, and then asked Mr. Waters to be so kind as to put me on the way to the Mountain Road, opposite Stony Creek, which he agreed to do, but evidently with the utmost reluctance. After we had travelled about a quarter of a mile in the woods, he turned round at a right angle, and said that that was the way. 'Not to the road,' said I. 'No, but to Mr. McIntyre, the magistrate,' said he. Here we came to a full stop. He was stout and burly; I, small and slight made. I soon found that he had not even dreamed of me as a rebel; his leading idea was that I had a habit of borrowing other men's horses without their express leave—in other words, that I was a horse-thief. Horses had been stolen; and he thought he only did his duty by carrying a doubtful case before the nearest justice, whom I inferred to be one of MacNab's cronies, as he was a new man of whom I had never before heard, though a freeholder of that district and long and intimately acquainted with its affairs.

"This was a real puzzle. Should I tell Waters who I was, it was ten to one he would seize me for the heavy reward, or out of mere party zeal or prejudice. If I went before his neighbour, the new made justice, he would doubtless know and detain me on a charge of high treason. I asked Mr. Waters to explain. He said that I had come, in great haste, to his house on a December Sunday

morning, though it was on no public road, with my clothes torn, my face badly scratched, and my horse all in a foam; that I had refused to say who I was, or where I came from; had paid him a dollar for a very humble breakfast, been in no haste to leave, and was riding one of the finest horses in Canada, making at the same time for the frontier by the most unfrequented paths, and that many horses had been recently borrowed. My manner, he admitted, did not indicate anything wrong, but why did I studiously conceal my name and business? And if all was right with me, what had I to fear from a visit to the house of the nearest magistrate?

"On the Tuesday night, in the suburbs of Toronto, when a needless panic had seized both parties, Sheriff Jarvis left his horse in his haste—it was one of the best in Canada, a beautiful animal—and I rode him till Thursday, wearing the cap of J. Latimer, one of my young men, my hat having been knocked off in a skirmish in which one or two of our men were shot. This *bonnet rouge*, my torn homespun, sorry slippers, weary gait, and unshaven beard, were assuredly not much in keeping with the charger I was riding, and I had unfortunately given no reply whatever to several of his and his good wife's home questions. My chance to be tried and condemned in the hall where I had often sat in judgment upon others, and taken a share in the shapeless drudgery of

colonial legislation, was now seemingly very good—but I did not quite despair.

"To escape from Waters in that dense forest was entirely hopeless; to blow out his brains, and he acting quite conscientiously, with his five pretty children at home awaiting his early return, I could have done with ease, as far as opportunity went, for he evidently had no suspicion of that, and my pistol was now loaded and sure fire. Captain Powell, when my prisoner ten days before, and in no personal danger, had shot the brave Captain Anderson dead, and thus left eight children fatherless. No matter; I could not do it, come what might; so I held a parley with my detainer, talked to him about religion, the civil broils, Mackenzie, party spirit, and Dr. Strachan; and found to my great surprise and real delight that, though averse to the object of the revolt, he spoke of myself in terms of good-will. Mr. McCabe, his next neighbour, had lived near me in 1823, at Queenston, and had spoken so well of myself and family to him as to have interested him, though he had not met me before.

"'I am an old magistrate,' said I, 'but at present in a situation of some difficulty. If I can satisfy you as to who I am, and why I am here, would you desire to gain the price of any man's blood?' He seemed to shudder at the very idea of such a thing. I then administered an oath to him, with more solemnity than I had ever done when

acting judicially, he holding up his right hand as we Irish and Scottish Presbyterians usually do.

"When he had ascertained my name, which I showed him on my watch and seals, in my pocket-book and on my linen, he expressed real sorrow on account of the dangerous situation in which I stood; pledged himself to keep silence for twenty-four hours, as I requested; directed me how to get into the main road, and feelingly urged me to accept his personal guidance to the frontier. Farmer Waters had none of the Judas blood in his veins. His innate sense of right led him at once to the just conclusion to do to his fellow-creature as he would be done by. I perceived, from his remarks, that he had previously associated with my name the idea of a much larger and stouter man than I am.

"When I was fairly out of danger he told the whole story to his neighbours. It was repeated and spread broadcast, and he was soon seized and taken to Hamilton, and was there thrown into prison, but was afterwards released.

"When I was passing the houses of two men, Kerr and Sidney, who were getting ready, I supposed, to go to church, I asked some question as to the road, again crossed the Twenty-Mile Creek, and at length re-entered the mountain-path a little below where a military guard was then stationed. While in sight of this guard, I moved on very slowly, as if going to meeting,

but afterward used the rowels to some advantage in the way of propellers. Some persons whom I passed on the road I knew, and some I did not. Many whom I met evidently knew me, and well was it for me that day that I had a good name. I could have been arrested fifty times before I reached Smithville, had the governor's person and proclamation been generally respected. As it was, however, another unseen danger lurked close behind me.

"A very popular Methodist preacher, once a zealous friend, had taken a course of which I greatly disapproved, and I had blamed him. Unkind words passed between us, through the press, he, like myself, having the control of a journal widely circulated. No doubt many of his readers were affected thereby; and to this, and not the love of lucre, I have ascribed the conduct of the two men whom I had interrogated as to the road. I have since learned that they warned an armed party, who immediately took horses and rode after me. I perceived them when a third of a mile off, after a part of Mr. Eastman's congregation had passed me on their way home. I thought it safer to endeavour to put my huntsmen off the track, and on a false scent, than to keep on ahead of them; so I turned short towards St. Catharines, when I got to Smithville, and seemed to have taken that road down hill at full speed. Instead of doing so, however, I turned

a corner, put up my horse very quickly in the stable of a friendly Canadian, whose sire was a United Empire Loyalist, entered his hospitable abode, he being still at church, beheld my pursuers interrogate a woman who had seen me pass and then ride furiously onward by the St. Catharines road, then went quietly to bed and rested for some four hours, had a comfortable supper, with the family, and what clothes I required. A trusty companion (Samuel Chandler) was also ready to mount his horse and accompany me the last forty miles to Buffalo, should that attempt prove practicable.

"Samuel Chandler, a wagon-maker, resides in the western states, but I do not now know where. He was forty-eight years of age when he volunteered, without fee or reward, to see me safe to Buffalo, had a wife and eleven children, and resided in Chippewa. He is a native of Enfield, Conn., had had no connection whatever with the civil broils in the Canadas; but when told, in strict confidence, of the risks I ran, he preferred to hazard transportation, or loss of life, by aiding my escape, to accepting the freehold of eight thousand acres of land which would have been the reward of any of my betrayers. Other circumstances afterwards roused his hostility to the government, and he joined the party taken at the Short Hills. Of those who were there captured Linus W. Miller, John Grant, John Vernon, himself and others, were tried before Judge

Jones at Niagara, sentenced to suffer death, but banished instead to Van Diemen's Land. Chandler soon escaped in a Yankee whaler, sailed round the world, and when he reached New York, on his return to his family (after I had got out of Rochester prison), I was in no condition to aid him, which I very unavailingly regretted. A more trusty, faithful, brotherly-minded man I have never met; may Heaven reward Lord Durham's family for saving his life!

"It was about eight o'clock on Sunday night, the tenth, when Chandler and I left Smithville. We turned our horses' heads toward Buffalo, crossed the Twenty-Mile Creek, ventured to take a comfortable supper with a friend, whose house was on our way, crossed the Welland Canal and the Chippewa River, stearing clear of the officials in arms in those parts, and got safely into Crowland before daylight. We soon awoke Mr. C—— and left our horses in his pasture, and he immediately accompanied us on our way to the Niagara River on foot.

"On inquiry, he found that all the boats on the river (except those at the ferries, which were well guarded), had been seized and taken possession of by the officers of government. There was but one exception. Captain M'Afee, of Bertie, who resided on the banks of the Niagara, opposite the head of Grand Island, was believed to have kept one of his boats locked up besides his carriages. I

hesitated not a moment in advising Mr. C—— to state the difficulty I was in to him, in case he had a boat, for, although he had no knowledge of, or belief or participation in, the outbreak, yet he was well known to be a strictly upright man, benevolent, not covetous, a member of the Methodist Episcopal Church, very religious, and in all he said or did, very sincere.

"The brothers De Witt are censured for giving up to Charles II (who had been himself a fugitive), and to a cruel death, three of his father's judges; but the poor and gallant Scotch Highlanders, whom a mammoth bribe of £30,000 could not tempt to betray the heir to the Crown, when a wandering fugitive in the native land of his royal ancestors, are held in honour. The Irish peasants who refused to give up Lord Edward Fitzgerald to his country's oppressors for gold, the poor sailors who enabled Archibald Hamilton Rowan to escape from Ireland and an untimely fate, with the proclaimed reward on a handbill in their boat, and the three bold Englishmen who saved the life of the doomed Labedoyere, have the merited applause of an admiring world. Are these noble citizens of Upper and Lower Canada, whom wealth could not tempt to give up, nor danger deter from aiding and saving their fellowmen, though many of them were opposed to them in politics, and at a time of the strongest political excitement—are they less deserving of the meed of public approbation?

"Mr. Samuel M'Afee is now over sixty years of age, and I think he is of the New Hampshire family of that name who played their part like men in 1776. Our movement had proved a failure, and he knew it. He was wealthy—had a large family—and risked everything by assisting me; yet he did not hesitate, no, not even for a moment.

"As well as I can now remember, it was about nine on Monday morning, the eleventh, when I reached his farm, which was one of the finest on the river; an excellent breakfast was prepared for us, and I was much fatigued and also hungry. But there was a military patrol on the river, and before sitting down to the repast, I thought it safe to step out and see if the coast was clear. Well for me it was that I did so. Old Colonel Kerby, the Custom House officer opposite Black Rock, and his troop of mounted dragoons in their green uniforms and with their carbines ready, were so close upon us, riding up by the bank of the river, that had I not then observed their approach, they would have caught me at breakfast.

"Nine men out of ten, in such an emergency, would have hesitated to assist me; and to escape by land was, at that time, evidently impossible. Mr. M'Afee lost not a moment—his boat was hauled across the road and launched in the stream with all possible speed—and he and Chandler and I were scarcely afloat in it, and out a little way below the bank, when the old Tory colonel and

his green-coated troop of horse, with their waving plumes, were parading in front of Mr. M'Afee's dwelling.

"How we escaped here, is to me almost a miracle. I had resided long in the district, and was known by everybody. A boat was in the river against official orders; it was near the shore; and the carbines of the military, controlled by the collector, would have compelled us to return or have killed us for disobedience.

"The colonel assuredly did not see us, that was evident; he turned round at the moment to talk to Mrs. M'Afee and her daughters, who were standing in the parterre in front of their house, full of anxiety on our account. But of his companions, not a few must have seen the whole movement, and yet we were allowed to steer for the head of Grand Island with all the expedition in our power, without interruption; nor was there a whisper said about the matter for many months thereafter.

"In an hour we were safe on the American shore; and that night I slept under the venerable Colonel Chapin's hospitable roof with a volunteer guard."

The deep-seated and widespread feeling of discontent and dissatisfaction, engendered throughout the province by the system of government which provoked the rebellion, is remarked upon repeatedly by Lord Durham in his Report. It shows how formidable the movement might have become, how

difficult its suppression, and how disastrous the consequences, if even a temporary success had been gained by those who had raised the standard of revolt. "It cannot, however, be doubted," said Durham, "that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting to, disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the Reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and the use made by the triumphant party of the power thrown into their hands, have heightened the passions which existed before. . . . A great number of perfectly innocent individuals were thrown into prison, and subjected to suspicion and to the harassing proceedings instituted by magistrates whose political leanings were notoriously adverse to them. Severe laws were passed, under colour of which individuals, very generally esteemed, were punished without any form of trial."[1] "It cannot be a matter of surprise that, in despair of any sufficient remedies being provided by the imperial government, many of the most enterprising colonists of Upper Canada look to that bordering country, in which no great industrial enterprise

[1] *Report*, p. 72.

ever feels neglect or experiences a check, and that men the most attached to the existing form of government would find some compensation in a change whereby experience might bid them hope that every existing obstacle would be speedily removed, and each man's fortune share in the progressive prosperity of a flourishing state."[1] "A dissatisfaction with the existing order of things, produced by causes such as I have described, necessarily extends to many who desire no change in the political institutions of the province. Those who most admire the form of the existing system, wish to see it administered in a very different mode. Men of all parties feel that the actual circumstances of the colony are such as to demand the adoption of widely different measures from any that have yet been pursued in reference to them."[2]

Referring to the "necessity for adopting some extensive and decisive measure for the pacification of Upper Canada," Lord Durham said: "It cannot be denied, indeed, that the continuance of the many practical grievances, which I have described as subjects of complaints, and, above all, the determined resistance to such a system of responsible government as would give the people a real control over its own destinies, have, together with the irritation caused by the late insurrection, induced a

[1] *Report*, p. 81.

[2] *Ibid.*, p. 82.

large portion of the population to look with envy at the material prosperity of their neighbours in the United States, under a perfectly free and eminently responsible government; and in despair of obtaining such benefits, under their present institutions, to desire the adoption of a republican constitution, or even an incorporation with the American union. . . . I cannot but express my belief that this is the last effort of their exhausted patience, and that the disappointment of their hopes, on the present occasion, will destroy forever their expectation of good resulting from British connection. I do not mean to say that they will renew the rebellion, much less do I imagine that they will array themselves in such force as will be able to tear the government of their country from the hands of the great military power which Great Britain can bring against them. If now frustrated in their expectations and kept in hopeless subjection to rulers irresponsible to the people, they will at best only await, in sullen prudence, the contingencies which may render the preservation of the province dependent on the devoted loyalty of the great mass of its population."[1]

Lord Durham was followed in the work of pacification by Mr. Charles Poulett Thomson, better known as Lord Sydenham, Sir John Colborne having acted as governor in the interval between Lord Durham's retirement and Mr. Thomson's

[1] *Report*, p. 111.

appointment. The bill for the union of the provinces, which was based on Lord Durham's Report, had already been introduced by Lord John Russell, but the imperial government, considering it advisable to obtain the consent of the legislature of Upper Canada, and of the Special Council of Lower Canada, to the passage of the bill, Mr. Thomson was appointed governor-general, and despatched to Canada for the purpose, in the first place, of obtaining such consent, and thereafter of organizing and administering the government under the new system.[1]

Lord Sydenham's task in obtaining the assent of the Upper Canada House of Assembly to the union measure was not as easy as has sometimes been represented. Although a committee of the House of Assembly had, in 1838, declared in favour of the proposed union,[2] it is quite clear, from statements made by Sydenham at the time, that he encountered strong opposition from the

[1] Lord John Russell subsequently introduced his bill a second time in the session of 1840. It was entitled "An Act to Reunite the Provinces of Upper and Lower Canada, and for the Government of Canada." It was assented to on July 23rd, 1840, but did not take effect until February 10th, 1841. Mr. Thomson issued his proclamation on February 5th, 1841, and took the oath on that day as governor-general, under the new Act, before Chief Justice Sir James Stuart at Government House, Montreal. His title was Baron Sydenham, of Sydenham in the county of Kent, and of Toronto, in Canada. Christie, *History*, Vol. v, pp. 357, 358.

[2] *Journals of the House of Assembly* (1838), p. 282.

Tory party in the assembly. These statements, and his opinions as to the state of things in Upper Canada at that juncture and previously, which are found in his private correspondence, possess special weight and value, not only from the position and personality of the man himself, but because, unlike Durham's commentary, they are not expressed in the guarded or diplomatic language of a State paper, but with the frankness and sincerity which mark communications from one friend to another. They touch, as will be noticed, the question of the provocation for the rebellion, the conduct of those concerned in the movement, and other relevant matters.

Writing from Toronto on November 20th, 1839, to a friend in England, Lord Sydenham, after referring to the situation in Lower Canada, said: "But in Upper Canada the case, as it appears to me, is widely different. The state of things here is far worse than I had expected. The country is split into factions animated by the most deadly hatred to each other. The people have got into the habit of talking so much of separation that they begin to believe in it. The constitutional party is as bad or worse than the other, in spite of all their professions of loyalty. The finances are more deranged than we believed even in England; the deficit £75,000 a year, more than equal to the income. All public works suspended. Emigration going on fast *from* the province. Every

man's property worth only half what it was. When I look to the state of government, and to the departmental administration of the province, instead of being surprised at the condition in which I find it, I am only astonished it has endured so long. I know that, much as I dislike Yankee institutions and rule, *I* would not have fought against them, which thousands of these poor fellows, whom the Compact call 'rebels,' did, if it was only to keep up such a government as they got."[1]

Speaking of obtaining the assent of the Upper Canada House of Assembly to the union, Lord Sydenham, in a letter of December 24th, 1839, said: "It is impossible to describe to you the difficulties I have had to contend with to get this matter settled as it has been in the assembly. I owe my success altogether to the confidence which the Reform party have reposed in me personally, and to the generous manner in which they have acted with me. A dissolution would have been greatly to their advantage, because there is no doubt they would have had a great majority in the next assembly; and it must have been most galling to them to see me, as well as themselves, opposed by a number of the placeholders without my turning them out. But they gave up all these considerations (and in this country where the feeling of hatred to the Family Compact is intense, they are not light),

[1] This letter appears in Scrope's *Life of Lord Sydenham*, page 148.

and went gallantly through with me to the end." [1]

It was on September 3rd, 1841, in the first session of the first parliament of Canada, under the Union Act of 1840, and during Lord Sydenham's administration, that the principle of responsible government, so long and earnestly contended for by Mackenzie, was formally and distinctly affirmed by the House of Assembly. The Hon. Robert Baldwin, who was a member of Lord Sydenham's executive council as originally constituted, had withdrawn from it, on the day the legislature was convened, owing to a disagreement with His Excellency as to the political composition of the council.[2] On August 5th, he moved for the production of copies of Lord John Russell's despatches and other papers on the subject of responsible government. The return of these documents was made on August 20th, and, on September 3rd, he moved a series of resolutions dealing with that question. A second series of resolutions was moved in amendment by the Hon. S. B. Harrison,[3] the provin-

[1] Scrope's *Life of Lord Sydenham*, p. 154.

[2] Baldwin asked for the dismissal of Messrs. Draper, Sullivan, Day and Ogden, and the substitution of representative Reformers from Lower Canada. Lord Sydenham thought the request was untimely and impolitic, the French-Canadians having been strong opponents of the union. Poulett Scrope, Sydenham's biographer, is severe in his censure of Baldwin for his conduct in this matter.

[3] Mr. Harrison, on his retirement from the legislature, was appointed judge of the County Court of the county of York.

cial secretary, and these were adopted. The third amendment was as follows: "That in order to preserve between the different branches of the provincial parliament that harmony which is essential to the peace, welfare and good government of the province, the chief advisers of the representative of the sovereign, constituting a provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well-understood wishes and interests of the people, which our gracious sovereign has declared shall be the rule of the provincial government, will, on all occasions, be faithfully represented and advocated."[1]

The resolutions which were adopted are generally admitted to have been drafted by Lord Sydenham himself. Two days afterwards he was fatally injured by a fall from his horse, and died on September 19th. It is to Lord Sydenham's credit, that he "performed the function of capitulation on the part of the Crown with a good grace, and fairly smoothed the transition" to a happier day.

[1] For the full text of the resolutions, see *Journals of the Legislative Assembly*, Vol. i, September 3rd, 1841, pp. 480, 481.

CHAPTER XIII

FRONTIER WARFARE

BEFORE the plans of the Upper Canadian insurgents were known, an influential meeting of the citizens of Buffalo, a frontier city on Lake Erie in the state of New York, to express sympathy with the Canadian revolution, was held. At this meeting, which took place on December 5th, an executive committee of thirteen, with Dr. E. Johnson at its head, was formed for the purpose of "calling future meetings in relation to the affairs of the Canadas, and to adopt such measures as might be called for by public opinion." On the eighth a similar demonstration took place at Oswego. On December 11th, the day Mackenzie had arrived on the south side of the frontier line, the largest public meeting ever seen in that city was held in the theatre at Buffalo to express sympathy with the Canadians.

On the following night, true to a promise made by Dr. Chapin on his behalf, Mackenzie appeared at the Buffalo theatre, where he addressed a large and enthusiastic audience. He explained the causes of the revolt, and argued that Canada was suffering all those evils which caused the thirteen colonies, now become the United States, to throw off their allegiance to England, a country of

which the government at home was good, but uniformly bad abroad.

Before the meeting closed, Thomas Jefferson Sutherland stated his intention of going to Canada as a volunteer to assist the Canadians to obtain their independence; and he asked if any others present were willing to join him. At his request, a person in the meeting asked the people present to contribute arms and munitions of war for the benefit of the people of Canada. In accordance with this suggestion, contributions of arms were made. Sutherland claimed the conception of the plan of occupying Navy Island with a military force; on December 19th, 1839, he made oath that he set about carrying this project into effect without the privity or co-operation of Mackenzie. He added that Mackenzie only joined the Navy Island expedition out of motives of personal safety. Mackenzie had not been long in Buffalo before he was introduced to Rensellaer Van Rensellaer by some of the principal people of the place. They represented him as a cadet of West Point, and as having gained experience under Bolivar, in South America, both of which representations proved incorrect. He was a son of General Van Rensellaer of Albany, and belonged to the influential family of that name in the state of New York. Sutherland soon showed that he was totally wanting in discretion, by publicly recruiting for volunteers for Canada, issuing a public

call for a military meeting, and marching through the streets to the sound of martial music. Mackenzie, seeing the folly of the procedure, begged Sutherland to desist; but it was to no purpose.

At that time, it was thought that Dr. Duncombe was at the head of a large force in the western district of Upper Canada; and Mackenzie wished the friends of the Canadian insurgents to go over to Fort Erie, on the Canadian side, and there organize a force to join that of Duncombe, or act separately, if that should appear to be the best course. But he was overruled; and it was determined that the refugees and their friends should take up a position on Navy Island. This island, awarded to England by the Treaty of Ghent, is situated in the Niagara River, a short distance above the world-renowned cataract. A swift current sweeps past the island on either side, on its way to the great Niagara Falls below; but its navigation at that point is practicable for steamers or row boats. Van Rensellaer had been urged by Sutherland to take command of the patriot forces; Sutherland, being previously unknown to Van Rensellaer, had brought a letter of introduction from Mr. Taylor, a previous Speaker of one branch of the legislature of New York. He was told that he would derive his authority from Dr. Rolph and Mackenzie; and he was to be invested with the entire military command. Van Rensellaer's own account of the

reasons that induced him to accept this position, represent him as wishing the success of the cause of republicanism, and desirous of imitating the example of Sam Houston in Texas.

In the meantime, it became known that Governor Head was about to make a requisition upon Governor Marcy, of the state of New York, for the extradition of Mackenzie as a fugitive from justice for alleged crimes growing out of the incidents of the insurrection. Dr. Bethune was selected as the bearer of the despatch in which this demand was made. Governor Marcy declined to comply with the application, on the ground that the offences charged, being incidents of the revolt, were merged in the larger imputed crime of treason, a political offence excepted by the laws of the state of New York from those for which fugitives could be surrendered. Attorney-General Beardsley, at the request of Governor Marcy, drew up an elaborate opinion in which the inadmissibility of the demand was shown.[1]

[1] The following is the copy of a letter sent by Governor Marcy to the Hon. John Forsyth, United States secretary of state, referring to this extraordinary attempt on the part of Sir Francis Bond Head and the official party to get Mackenzie into their power. The letter is dated Albany, December 30th, 1837:

"As I have had some official correspondence with the governor of Upper Canada in relation to the disturbances in that province, and have disposed of some applications which have been made to me for my interference in a manner that may not be satisfactory to him, I have deemed it my duty to put you in possession of the facts, that you may judge of the course I have pursued. Having

On December 13th, Van Rensellaer and Mackenzie landed on Navy Island. They called at Whitehaven, on Grand Island, ten miles from the city of Buffalo, on the way. There they expected to find assembled the volunteers by whom they were to be accompanied, and of whose numbers, enthusiasm, and equipment so much had been said. These volunteers had been represented as two hun-

ascertained that considerable excitement existed among a portion of the citizens of this state in relation to the movements in the Canadas, I issued a proclamation apprising them of their duty to the government, and warning them against a course of proceeding incompatible to our neutral and friendly relations with Great Britain. I caused this proclamation to be published, not only in the state paper, but in the counties bordering on the British provinces. His Excellency Lieutenant-Governor Head made a request on me to deliver to the civil authorities of Upper Canada William L. Mackenzie as a fugitive from justice. The crimes imputed to him were murder, robbery and arson. I herewith send you copies of the affidavits which accompanied the governor's request. Besides these affidavits, he transmitted sundry proclamations and other printed documents, but I do not, however, think it necessary to furnish you with copies thereof. It appeared quite evident that the crimes with which Mackenzie was charged resulted from the revolt which had taken place in that province. You will perceive by the laws of this state, referred to in the opinion of the attorney-general, a copy of which is herewith transmitted, that the government is not authorized to deliver up a fugitive fleeing from a foreign country charged with treason. Though Mackenzie was not charged with treason, it is very evident that that was the crime for which he would have been tried if he had been given up. The other offences with which he was charged were the incidents of the imputed treason and were merged in it.

"I also transmit herewith a copy of my letter to His Excellency the Lieutenant-Governor of Upper Canada, announcing my decision on the application which he had made to me for Mackenzie as a fugitive from justice."

dred and fifty strong, and as having two pieces of artillery and some four hundred and fifty stand-of-arms, besides provisions and munitions in abundance. The surprise both of Mackenzie and Van Rensellaer must have been great when they found only twenty-four volunteers waiting to accompany them.

A provisional government, of which Mackenzie was president, was organized on the island. A proclamation, dated Navy Island, December 13th, 1837, was issued by Mackenzie stating the objects which the attempted revolution was designed to secure, and promising three hundred acres of public land to every volunteer who joined the patriot standard. A few days after, another proclamation was issued adding to the proffered bounty a hundred dollars in silver, payable by May 1st, 1838. The fulfilment of the promises held out in these proclamations was, however, dependent upon the success of the cause in which the volunteers were to fight.

The provisional government issued promises to pay in sums of one and ten dollars each. They are said to have been freely taken on the American side; but what amount was issued I cannot ascertain. Dr. Rolph was appointed, on December 28th, "to receive all the moneys which may be subscribed within the United States on behalf of the Canadian patriots struggling to obtain the independence of their country;" but he declined to act in that capacity.

The handful of men, who first took possession of Navy Island, gradually increased to between five hundred and six hundred. From December 15th to the 31st the majority of those present were British subjects. After that date, the American element was probably in the ascendant. The arms and provisions were chiefly obtained from the States. The rolls of names have been preserved, with a partial diary of occurrences.

Van Rensellaer's conduct, while on the island, has been the subject of much obloquy. While his bravery is admitted, his intemperance ruined the prospects of the patriots. Having the entire military power in his hands, he chose to keep his plans to himself, and his refusal to act or explain his intentions finally exhausted the patience of his men. The latter were anxious to cross to the mainland.

A Loyalist force, at first under Colonel Cameron, and afterwards under Colonel MacNab, appeared on the Chippewa side, and a bombardment commenced. The fire of the Loyalist cannon and mortars, kept up day after day, was almost entirely harmless, only one man on the island being killed by it. The extent of the mischief done by the patriots was greater because they were not baffled by woods on the mainland, where the enemy was encountered. The men became impatient under the ineffectual efforts they were making; and Van Rensellaer was repeatedly urged to lead them to the enemy who neglected to come to them. In reply to these

importunities, he would answer that when his plans were complete he would announce them; that in the meantime it was for the men to hold themselves ready to execute his orders.

What gave courage to the patriots was the belief that the moment they crossed over to the mainland, they would be joined by large numbers of the population anxious to revolutionize the government. Chandler was sent over to distribute proclamations and ascertain the feeling of the country. He returned to the island with the report that a large majority of the population was ripe for revolt, and only awaiting assistance to fly to arms. Hastings was far from being one of the most disloyal counties in Upper Canada; and when it furnished nearly five hundred sworn rebels, some idea may be formed of the extent to which the revolutionary feeling had infected the population. With such information as this in his hands, a man of Mackenzie's impetuous temperament was not likely to be at ease under the inaction to which Van Rensellaer, as commander-in-chief, doomed the men under his control.

About this time, Thomas J. Sutherland was starting for the west. A letter to T. Dufort, then at Detroit, was written assigning to Sutherland the command of any force at that point likely to co-operate with those on Navy Island, but it was not sent. It cannot be now stated who signed the letter. The original is in Mackenzie's handwriting, and its

purport is that, "for the purpose of co-operating with the patriots now on this island in their intended descent upon Canada, and of giving great strength and more full effect to their plan of operations for the deliverance of that great country from the horrors of despotism, the bearer proceeds immediately to Detroit to take command of any army which his efforts and those of his friends may raise for the invasion of Canada." But the signature to the original is cut off, and the document is still among Mackenzie's papers.

Up to December 29th, the volunteers on Navy Island had increased slowly, and they did not yet number quite two hundred. About an hour after midnight of that day, an event occurred which, for some time, threatened to produce war between England and the United States. "We observed," says Mackenzie, "about one o'clock, a.m., a fire burning on the American side of the river, in the direction of the small tavern and old storehouse commonly called Schlosser. Its volume gradually enlarged, and many were our conjectures concerning it. At length the mass of flame was distinctly perceived to move upon the waters, and approach the rapids and the middle of the river above the falls. Swiftly and beautifully it glided along, yet more rapid in its onward course as it neared the fathomless gulf into which it vanished in a moment amid the surrounding darkness. This was the ill-fated steamboat *Caroline*."

Colonel MacNab, in ordering the vessel to be cut out, acted under the misapprehension that she had been purchased by what he called the "pirates" and rebels on Navy Island. He determined to destroy her on the night of the twenty-ninth, it having been reported to him that she had been seen landing a cannon and several armed men that day on Navy Island. Captain Drew, R.N., was instructed to collect a force of volunteers to burn, sink, or destroy the vessel. The expedition comprised seven boats, with an average of about nine men each, armed with pistols, cutlasses, and boarding pikes. When they were opposite Navy Island, Captain Drew ordered the men to rest on their oars, and said to them, "The steamboat is our object; follow me." He soon discovered that she was at the wharf at Schlosser, on the United States side of the Niagara River. The boats went silently towards the fated vessel, and do not appear to have been discovered till within a few yards of her. The hands belonging to the steamer had gone to Niagara Falls that night, and William Wells, the owner, had allowed strangers—two of whom were sailors—to occupy their berths till their return. The hands came back at twelve; but the strangers do not appear to have left before the attacking party arrived. The crew of the steamer, which was only of forty-six tons measurement, consisted of two men and a black boy. They were surprised

while asleep, and having scarcely any other arms on board besides a piece which was discharged by the sentinel on the approach of the boats, hardly any resistance was offered. In a couple of minutes the vessel was in possession of the assailing party; and, in the fray that took place on deck, five or six persons were killed. By the orders of Captain Drew, Lieutenant Elmsley and some of the men landed on the American shore, and cut the vessel from her moorings previous to setting fire to her, in order to prevent the destruction of other property by the spreading of the flames. A lamp was placed in a large basket used for carrying Indian corn, and the cross-bars of the windows torn off and placed above the lamp, which set them on fire. The vessel was then towed out by the boats from the wharf till she was under the influence of the current, and was then abandoned.

Under all the circumstances, the right of the British authorities to destroy the *Caroline*, even by the invasion of American territory, cannot be successfully disputed. The refugees had been seduced by American citizens into abusing the right of asylum; and they found among those citizens a large number who had joined their standard and engaged in a war against a nation with whom their own government was at peace. The executive government was not armed with legal powers necessary to restrain its own citizens; but it had not been entirely inactive. Two days after, the meeting of

sympathizers was held at Buffalo, Mr. Benton, district attorney for northern New York, was officially instructed to watch and prosecute all violators of the neutrality laws. At the same time, Mr. Forsyth, secretary of state, by direction of the President, called the attention of Governor Marcy, of the state of New York, to the contest, and asked his prompt interference to arrest the parties concerned, if any enterprise of a hostile nature should be undertaken in the state of New York against a foreign power in amity with the United States. Similar letters were, on the same day, addressed to the governors of Michigan and Vermont, within the borders of which states some of the Lower Canadian insurgents, after the defeat at St. Charles, had taken up their quarters. But the destruction of the *Caroline* added to the sympathy for the cause of revolution in Canada an almost uncontrollable indignation at the invasion of American territory, which all classes of Americans joined in representing as unwarranted by the law of nations, and not justified by the circumstances of the case. The President informed Congress that a demand for reparation would be made; public meetings were held to denounce what was considered a wanton outrage; the press aided in inflaming the public excitement; and it was said that, when General Burt had collected from one thousand five hundred to two thousand militiamen to guard the frontier of New York State, it was with the greatest diffi-

culty they could be restrained from going over to Navy Island to join the insurgents and sympathizers collected there.

However justifiable the destruction of the *Caroline* may have been in the eye of international law, it was an act of great rashness. A militia colonel, without the least authority from his superiors, had ordered the invasion of the territory of a nation with whom his government was at peace, and when that nation was using efforts, not very successful it must be confessed, to maintain neutrality in a contest in which they were in no way concerned. The British government assumed the responsibility of the act; and, with a degree of haste that was justly censured at the time, conferred the honour of knighthood on Colonel MacNab before the reclamation of the American government had been disposed of. The Upper Canada House of Assembly tendered its thanks to the men engaged in the destruction of the *Caroline*, and presented swords to Colonel MacNab and Captain Drew.

President Van Buren seems to have been sincerely anxious to avoid a war with England; and it required all his address to prevent the *Caroline* massacre from interrupting the friendly relations of the two countries. The demand upon England for "reparation and atonement" was under consideration for two years and a half before it was disposed of. In the meantime, Alexander McLeod was arrested on a charge of having murdered Amos

Durfee, whose body was left on American territory at Schlosser, the night the *Caroline* was cut out. While the whole question was still open, the British government demanded his "immediate release." The demand was refused; and McLeod was put upon his trial in the Circuit Court of the state of New York, at Utica, in October, 1841. The trial commenced on the fourth, and lasted eight days. Whether McLeod was guilty or innocent—the jury declared him not guilty—it must be admitted that many a man has been hanged upon much weaker evidence than that which was produced against him. The verdict of not guilty probably prevented a war between England and the United States.

Mrs. Mackenzie was the only female who spent any length of time on Navy Island. She arrived there a few hours before the destruction of the *Caroline*, and remained nearly a fortnight with her husband, when ill-health obliged her to leave. Mackenzie accompanied her to the house of Captain Appleby, Buffalo, and while on his way he was arrested, in the railway car, by the United States marshal for a breach of the neutrality laws. He entered into recognizance in five thousand dollars for his appearance, and returned to the island the next morning, where he remained till General Van Rensellaer announced his intention to evacuate it with the force under his command, which he did on January 13th. The Buffalo committee

of thirteen seems to have had more power than the provisional government, for the question of evacuating the island was decided by them.

When the patriots took possession of Navy Island, they expected soon to be able to cross over to the mainland and join Dr. Duncombe's forces in the west. The doctor, who had been in constant correspondence with the Lower Canadian patriots, had under his command between three and four hundred men; but a large number of them were without arms. They were assembled at Brantford, whither Colonel MacNab, with a detachment of about three hundred and sixty men, repaired. On his approach, Dr. Duncombe retreated to a place called Scotland. Colonel MacNab was reinforced at Brantford by one hundred and fifty volunteers and one hundred Indians, under command of Captain Kerr. When a plan of attacking the insurgents simultaneously at three points had been agreed upon, and was to have been executed next morning, Dr. Duncombe retreated. He told the men that Mackenzie had been defeated near Toronto, and that they had better disperse. In the meantime, Colonel MacNab, learning of the anticipated retreat, despatched messengers to Simcoe, Woodstock, and London, requesting all the volunteers that could be mustered to march down and intercept the rebels. On December 14th, while at Scotland, Duncombe's force was increased by about one thousand additional volunteers. Hundreds more

had been expected to join him from the neighbourhood of St. Thomas and other places in the west. Here Colonel MacNab seized all Duncombe's papers, as well as those of Eliakim Malcolm, and took several prisoners, whom he sent under an escort to Hamilton. In spite of the retreat of Duncombe, and the dispersion of his men, Colonel MacNab sent to the governor a strong recommendation to sanction the raising of volunteer companies of one hundred and fifty men each. While at Scotland, deputations of insurgents visited him offering to surrender their arms, take the oath of allegiance, and, if necessary, form part of his force. In other places large numbers of undetected rebels, when they found the tide turning against them, joined the loyal forces; so that the number of volunteers was no proof of the popularity of the government. At a place called Sodom, in the township of Norwich, many of Duncombe's men surrendered themselves to Colonel MacNab, who, with a degree of humanity that reflected credit upon him, after receiving what arms they had, permitted them to return to their homes on condition that they should again surrender themselves should His Excellency not extend the royal clemency to them. Some of the ringleaders were sent to London, under an escort, for trial, and Joshua Guilam Doan, for whose apprehension a reward had been offered, was executed there on February 6th, 1839. On December 19th, 1837, Colonel MacNab received a report that consider-

able disaffection prevailed in the western district, particularly in the neighbourhood of Sandwich. But the insurrection was put down in the western part of the province without a shot being fired.

General Sutherland left Navy Island for Detroit, where he found Henry S. Handy, of Illinois, in charge of the "Patriot Army of the North-West" as commander-in-chief. The governor of Michigan does not seem to have been unfriendly to their plans, which were to attack Fort Malden at Amherstburg and to seize the public stores at Sandwich and Windsor. Thomas Dufort had been instrumental in getting a council of war together, at the instance of Bidwell, who, in the previous November, had urged him to proceed to Michigan and secure assistance, and he so far succeeded as to get some of the leading men in that state to form a council of war, which lent all the aid in their power to a scheme of co-operation with the patriots. Men and arms were secured, and also schooners for their transport, but serious dissensions between Handy and Sutherland, treachery, lack of judgment, inexperience and misadventures combined to render the expedition futile. From one of the schooners General Theller fired a shot from a nine-pounder into Amherstburg, instead of at the Fort, without even demanding a surrender of the place, and then retired. General Sutherland, who was in charge of another schooner with sixty volunteers, landed his force on Bois

Blanc Island opposite Fort Malden, and issued a proclamation to the citizens of Upper Canada. The schooner *Anne* with arms, munitions and troops on board, came to his assistance, but being insufficiently rigged, drifted on the Canadian shore, where she was beached in three feet of water. A brisk fire was opened on her by the Royalist troops, who later boarded and captured the vessel.

Sutherland, on returning to the mainland, was arrested in Detroit, but Handy continued to drill men on Sugar Island until the failure of supplies, and ice starting to come down the river, he was forced to ask and obtain the friendly offices of the governor of Michigan to take his troops back to Detroit. A later attempt to renew the attack on Fort Malden, with arms which the militia of Detroit stacked in the outer porch of the Detroit City Hall, where Handy's men might get them, was put an end to by the United States troops under General Brady.

A few weeks after these events, on a cold night in February, a patriot force under Colonel Vreeland crossed the river to Windsor with only forty-three firelocks, but the expedition was, on the twenty-fifth of the month, put to flight by a force of British regulars.

The refugees from Canada were frequently in danger from secret enemies or private assassins. On January 21st, 1838, Van Rensellaer wrote from Buffalo to Mackenzie, who was in Rochester, to

warn him that there were desperadoes in the former city whose object was to assassinate him.

Soon after they left Navy Island, Mackenzie and Van Rensellaer found it impossible to continue work together. In the month of February, an expedition was planned for the purpose of making a descent upon Kingston. Van Rensellaer claimed to have originated the intended movement. However this may be, he and Mackenzie were playing at cross-purposes, and the latter decided to have nothing to do with the expedition if it was to be directed by Van Rensellaer.

It had been arranged, by correspondence carried on by Mackenzie, that a rising should take place in Canada when the expedition crossed. Near the end of February, Van Rensellaer crossed from French Creek, a village situated on the American side of the St. Lawrence a short distance below Kingston, to Hickory Island, about two miles from Gananoque, with a force that has been variously stated at from fifteen to twenty-five hundred men. Van Rensellaer, while here, kept his bed in such a state of intoxication that he could not give an intelligent answer to any question put to him. The men, disgusted or alarmed, began to move off in squads, and, when all chance of success had been lost, a council of war was held, and it was determined to retreat. Van Rensellaer reported that the morning after the island was evacuated, the Loyalists landed upon it two hundred strong.

Van Rensellaer by way, it would seem, of accounting for his own failure, published a letter, dated Albany, March 29th, 1838, in which he blamed Mackenzie for having interfered with his plans. That letter contained accusations against Mackenzie which Van Rensellaer himself afterwards admitted to be unjust. In an unpublished letter addressed to a Mr. McMahon, and dated Albany, February 24th, 1840, he says: "Since I have had time for reflection, for arriving at correct information, and for weighing dispassionately circumstances which led me to an unjust conclusion while penning my statement, although I am yet of opinion that he has committed errors—and who has not?—I am bound as a man of honour to admit that all my charges, whether expressed or implied, against his moral integrity or honesty of purpose, are, as far as my present knowledge and information extend, incorrect." After which confession he exclaims, "I am mightily relieved."

Soon after this, General McLeod despatched Colonel Seward with about four hundred men to Point au Pelé Island. Subsequently he received a despatch from Colonel Bradley, informing him that Seward's force had been defeated, with a loss of fifteen or twenty missing, and had retreated to the American shore. "The loss of the enemy," says McLeod, in an unpublished letter, "is fifty or sixty, and a great number wounded." The Loyalist troops were supported by cavalry and artillery, and one of the

patriot colonels attributed their retreat principally to want of artillery. Nine prisoners were taken by the British, among whom was General Sutherland. He was not taken on the island, and his trial was afterwards declared illegal by the British government and his release ordered. He was, however, kept in prison for a long time.

From this western frontier a combination of great force, extending over the two Canadas, was soon to be made, and but for the occurrence of an accident, it is impossible to say what the result might have been.

CHAPTER XIV

AFTER THE REBELLION

WHILE the abortive expeditions of Bois Blanc and Point au Pelé were in progress, Mackenzie was sounding the public feeling in other places. Soon after leaving Navy Island he visited some of the patriot leaders of Lower Canada at Plattsburg, and went to New York, Philadelphia, and other places.

When the question of evacuating Navy Island was before the Buffalo committee of thirteen,[1] Mackenzie had become impressed with what he conceived to be the necessity of establishing a public journal to express the views of the patriots in Canada and their friends in the United States. The project was finally carried out by himself. On April 17th the prospectus of *Mackenzie's Gazette* was published, and the first number of the paper made its appearance on May 12th, 1838, in New York, and was continued till the close of 1840. During the greater part of this time the paper was published in Rochester, a frontier city on the Genesee River. To establish a newspaper, under the circumstances, appealing chiefly to the public

[1] On this committee were Dr. Johnson, a former mayor of Buffalo, Mr. Seymour, master in chancery, Mr. Macy, Mr. Wilkinson, and other local celebrities.

interest on a single question, must have been uphill work.

In March, steps were taken to organize the Canadian refugees. At a meeting of some of these persons held at Lockport, state of New York, on March 19th, 1838, a committee was formed to ascertain the numbers, location, and condition of the Canadian refugees in the States, and to draw up articles of association, by "means of which their sufferings might be mitigated, and a redress of their grievances obtained," and "to adopt such other measures as, in their discretion, may best conduce to their welfare." This organization was called the "Canadian Refugee Relief Association." It was resolved to form branch unions and to send agents of the association through the country. Dr. McKenzie, formerly of Hamilton, was president of the association, and all correspondence was ordered to be directed to him at Lockport. Mackenzie was not present at the meeting. This association proceeded to the execution of schemes in which he took no part, and in which he was in no way concerned, either by advising or otherwise. It will hereafter be seen that several of the members of this committee were personally engaged in the ill-advised Short Hills expedition; and at least one of them appears to have been concerned in the destruction of the steamer *Sir Robert Peel*, in which twelve of them are said to have been engaged.

LOUNT AND MATHEWS

On April 12th, 1838, Samuel Lount and Peter Mathews, the first of the victims of the rebellion, were executed at Toronto for high treason. Lord Glenelg, hearing that there was a disposition on the part of the local officials in Canada to treat with undue severity persons who had been concerned in the revolt, remonstrated against such a course being pursued. But Sir George Arthur, who, like his predecessor in the governorship of Upper Canada, had fallen in with the views of the Family Compact and imbibed some of their political passions, failed to carry out his instructions to use his influence to prevent the adoption of extreme measures. The executive council determined to interpose their harsh decision to prevent the possibility of the royal clemency saving Lount and Mathews from a death upon the gallows. "Petitions," Sir George Arthur admits, "signed by not less than eight thousand persons, have been presented in their favour within the last three or four days." Sir Francis had led them into the trap, had encouraged the rebellion when it was his duty to take measures to suppress it in its incipient stages, and there can be but one name for the execution of men whom the executive had enticed into the commission of the crime for which they were made to suffer death. There is reason to believe that Lount could have purchased his life by putting the government in possession of evidence that might have tended to place others

in the position he occupied; but he resolutely refused to accept it on such terms; and, instead of blaming others for his fate, continued to the last to express fervent wishes for the success of the cause in which he offered up his life.

Much has been said about the salutary effects of the execution of these men, as an example to others. Instead of striking awe into men's minds, the effect was sometimes to produce a feeling of revenge. I find a remarkable example of this in the case of one of Lount's friends, who, after he had been at the Short Hills expedition, distinctly states: "I have been doing all in my power, ever since, to avenge the blood of Lount and support the cause he died for."[1]

[1] In 1903 there was erected in the Necropolis, Toronto, by the "Friends and Sympathizers" of William Lount and Peter Mathews, a gray granite monument, surmounted by a broken column, on which is inscribed the following: —

"Samuel Lount was the eldest son of the late Gabriel Lount, an Englishman who emigrated to Pennsylvania in the middle of the eighteenth century, and of Philadelphia Hughes his wife, a Quakeress. He emigrated to Upper Canada and settled near Newmarket, in the county of York, in 1811. In 1834 he represented the county of Simcoe in the Upper Canada legislature, and served two years. In 1836 he became a candidate again, and was defeated by corrupt practices used by his political opponents. A petition of eight thousand people asked for a reprieve, which was refused. He lived a patriot and died for popular rights.

"Peter Mathews was the son of Peter Mathews, Sr., a United Empire Loyalist, who fought on the British side in the American Revolutionary War, and at its close settled with his wife and family in the townsite of Pickering in the (then) county of York. Peter Mathews, the son, belonged to Brock's volunteers during the War of 1812

A number of other political prisoners, under sentence of death at Toronto, had their sentences commuted to transportation for life; and they, with others who were to be banished without trial, were sent to Fort Henry, Kingston, for safe keeping, till they could be conveyed to Van Diemen's Land. From Fort Henry they managed to effect their escape; and John Montgomery and several others, after great suffering, succeeded in reaching the United States.

About June 1st, many persons, who had been connected with the rebellion, crossed the frontier line at the west, and took refuge in Michigan. Now commenced an organization for revolutionizing Canada and bringing about its independence; a movement comprising a much larger number of Canadians than has ever been suspected. The centre of the organization was in Michigan, and General Handy was among the most active in its promotion. Lodges were formed, every member of which took an oath to be subject to the commander-in-chief, General Handy, and not to obey any order except from him to General Roberts. Handy signed blank commissions, and sent some trusty individuals through the provinces to form revolutionary societies, and enroll all in whom he thought he could confide. In every square mile

to 1815, and fought in various battles in Upper Canada of that war. He was known and respected as an honest and prosperous farmer, always ready to do his duty to his country, and died as he lived—a patriot."

of settled country a person was appointed to grant commissions in the secret army of revolt. Handy's commissions were given to the captains; and the associations were left to elect their own colonels. Couriers and spies, one hundred in number, were constantly kept in motion through the provinces, taking intelligence daily to Handy. Each of them had a beat of ten miles, at either end of which he communicated with others; and this distance he regularly made both ways every day. Two hundred companies, of one hundred men each, were enrolled, making an aggregate force of twenty thousand men in the Canadas, ready to rise whenever called upon; and through the system of couriers in operation, they could have been called into action with the least possible delay. July 4th, 1838, was fixed upon for striking the first blow. The patriot standard was to be raised at Windsor, a Canadian village opposite Detroit; and when this was accomplished, the couriers were to be prepared to transmit the intelligence with all possible speed, and a general rising was to take place. The first thing to be done was to seize all available public arms, ammunition, and provisions, and then the fortification of some prominent point designated was to be commenced. If an accident had not occurred to prevent the execution of this plan, it is difficult to say what would have been the result.

A ruffian named Baker came across the path of General Handy. He got up an expedition on

the Black River, and induced forty men to join him by falsely representing that he was authorized by General Handy to cross to the Canadian shore with the men as freebooters. They seized some flour, and being discovered and followed to the Michigan shore, the affair created a commotion that set General Brady of the United States army —who appears to have used his best exertions to put down all these expeditions—on the alert. A new guard was set on the arsenal; and on the day before Windsor was to have been captured, preparatory to a general rising in Canada, the conspiracy had collapsed from the want of arms.

Mackenzie had no connection whatever with this movement. In 1839, he made an affidavit that when he heard, through the public press, of the intended expeditions at Short Hills, and against Prescott and Windsor, he wrote to Lockport earnestly urging those whom he thought likely to have influence with the refugees—the Refugee Association Committee, no doubt—to abandon all such attempts as injurious to the cause of good government in Canada. He was still favourable to the independence of the Canadas; but he was not convinced that the means proposed were calculated to secure the object. He came to this conclusion, it would seem, in February, when he refused to "sail in the same boat" with Van Rensellaer, to be piloted as the latter might think fit.

Of the Short Hills affair, which took place in

June, 1838, he first learned from the frontier newspapers. Those who took part in it, I find, claim to have had five hundred and twenty-six men, well armed and equipped; but it is quite certain that there was not over one-fifth of that number who fell in with the lancers at Overholt's tavern. The rest, if there were any such number as is alleged, must have been Canadians. A few men crossed the Niagara River in small bodies, taking with them what arms they could. These they deposited at an appointed place which was reached by a march of some fifteen miles in the woods, and they then went back for more. These arms must have been intended for Canadians. In this way, eight days were spent before the parties were discovered. Being fired upon by a body of lancers from Overholt's tavern, they finally set fire to it, taking prisoners all who survived, but shortly afterwards releasing them. The invaders soon after dispersed, going in different directions; but thirty-one of them were captured, and it is believed very few escaped.

It is difficult to determine whether the organization set on foot by Handy was identical with what was known as Hunters' Lodges. Hunters' Societies are generally supposed to have originated in the state of Vermont, in May, 1838.

A convention of the Hunters' Lodges of Ohio and Michigan was held at Cleveland, from September 16th to 22nd, 1838. There were seventy delegates present. Mackenzie was not cognizant

of the intended meeting, and the results of its deliberations were not officially communicated to him. He was not a member of the society, and by its rules none but the initiated could be admitted to its secrets. All the lodges were required to report to the central committee at Cleveland.

Sir George Arthur had his spies on the frontier to supply him with whatever could be learned of these movements for a fresh invasion of Canada. The information these persons obtained, whatever credence it might be entitled to, created great alarm in Toronto. They told Sir George that, at the end of October, there were at least forty thousand persons in the frontier States in the invasion plot, which was "carried on by means of Masonic Lodges, secretly established in almost every town along the frontier, the members of which communicate with each other by private signs, and are divided into several grades of initiation." But when Sir George Arthur had learned something of the plot, the expedition of Windmill Point was on the eve of taking place, and it had been carried into effect two days before United States Secretary Forsyth could reply to Sir George's complaint, conveyed to the President through Mr. Fox. The federal government had previously learned from its own spies some particulars of these movements; but it pleaded its inability to arrest them.

In the first ten days of November, the Hun-

ters' Lodges were concentrating their forces for an attack on Prescott. On Sunday morning, the eleventh, two schooners, in tow of the steamer *United States*, left Millen's Bay for Prescott, having on board men, arms, and munitions of war. The men who came down in the steamer, about six hundred in number, were transferred to the schooners in the evening; one of these was in command of Van Shultz, a brave Pole, and the other in charge of the notorious Bill Johnson. Van Shultz proposed to land all the men in the expedition immediately on their arrival at the Prescott wharf; then, after leaving a sufficient force to guard the boats, to divide them into three bodies, with the principal of which he should march through the village, while Colonel Woodruff should lead one wing round on one side, and another person the other on the other side. The three bodies were then to meet between the village and the fort, in case any resistance were offered from that point. He was opposed to first landing on the American side, at Ogdensburg.

The principal officers of the expedition opposed the plans of Van Shultz, yet, in skill and bravery, they were all very far his inferiors. They did land at Ogdensburg; but General Bierce, who was to have commanded the expedition, fell sick with a suddenness that created a suspicion of cowardice which he was never able to remove. Van Shultz took over about one hundred and seventy men in

one of the schooners, about nine o'clock on the morning of the twelfth. Bill Johnson managed to run the other schooner upon the bar, with many arms and much ammunition on board, and she never crossed to the succour of Van Shultz.

On hearing of the expedition, Captain Sandom, commanding the Royal Navy in Upper Canada, set out from Kingston in pursuit. After an engagement of an hour's duration, the invaders were driven into a large, circular stone mill, the walls of which were of immense thickness, and into a stone house adjacent; but, the fire of Sandom's guns making no impression on the thick walls, he withdrew from the attack.

Meanwhile Van Shultz, not receiving the expected reinforcements from the leaders of the expedition who remained in Ogdensburg, and not being joined by any of the inhabitants, was reminded by the one hundred and seventy men under his command of the hopelessness of their position. They begged him to lead them back to the States. But there was not a single boat at their disposal, and the British steamer *Experiment* kept a vigilant look-out on the river.

On the sixteenth, Colonel Dundas arrived at Prescott from Kingston with four companies of the 83rd Regiment, and two eighteen-pounders and a howitzer. Nearly every shot perforated the massive mill. Under cover of night, the division of Van Shultz's men, who were in the stone house,

took refuge in the brushwood on the bank of the river, where, with their commander, they were taken prisoners. A flag of truce was displayed from the mill, whence the firing had ceased; and Colonel Dundas accepted an unconditional surrender. One hundred and fifty-seven prisoners were taken, of whom eleven were executed, including the gallant and heroic, but misguided and betrayed leader, Colonel Van Shultz.

Van Shultz was in New York a short time before the expedition against Prescott took place, but he neither consulted nor in any way communicated with Mackenzie, who was then living there. "I knew nothing of the expedition," said Mackenzie in his *Gazette* of November 14th, 1840, "never saw or wrote a line to Van Shultz, was four hundred miles distant, and had nothing to do with the matter whatever; nor did any of the sufferers, when on trial, or going to the gallows, or to banishment, once name me." And he afterwards made the same remark with regard to the Windsor expedition, with which he had no connection whatever.

A few days after the Prescott expedition, President Van Buren issued a proclamation calling upon the citizens of the United States to give neither countenance nor encouragement to persons who, by a breach of neutrality, had forfeited all claim to the protection of their own country; but to use every effort in their power to arrest for trial and punishment every offender against the laws,

"providing for the performance of their obligations by the United States."

Two days after the surrender of Van Shultz, Sir George Arthur issued a proclamation renewing the reward of £1,000 for the apprehension of Mackenzie. The pretext for this procedure was the pretence that he had been seen, on November 17th, in the neighbourhood of Toronto. On that very day he was in Philadelphia, where he addressed a meeting of five thousand persons. About a month after, he was warned that an attempt would be made to kidnap him, and take him over to Canada.

As Kossuth did afterwards, in the case of Hungary, Mackenzie held a series of public meetings in some of the principal cities of the States in favour of Canadian independence. The first was held at Vauxhall Garden, New York, on November 15th, the others in Philadelphia, Washington and Baltimore, where large audiences attended. President Van Buren was much annoyed at a meeting having been held at the capital. In Lower Canada, Dr. Nelson had, a few days before the New York meeting, made a new appeal to arms, and had issued a declaration of independence on behalf of a provisional government for that province, followed by a proclamation offering security and protection to all who should lay down their arms and cease to oppose the new authority that claimed to be in existence before the old one had expired. Notice was taken of this circumstance by the New

York meeting, which tendered its sympathy to Lower Canada.

Mackenzie was not, at this time, in the secrets of the Lower Canadian patriots any more than in those of the pretended government of Upper Canada which had been set up at Cleveland. Dr. Robert Nelson had been in New York a short time before, and, calling on Mackenzie, proposed to tell him the plans of the Lower Canadian patriots, whereupon Mackenzie stopped him, by saying, "Tell me nothing, more or less, as I am to take no part; I have no means to aid, and I want to know nothing, either as to what has been done or may be intended." On the previous June 12th, he had been indicted, at Albany, for a breach of the neutrality laws of the United States, for the part he had taken in the Navy Island expedition, and while the trial was hanging over him, he had an additional reason for being anxious to keep clear of all similar movements.

While Van Shultz had failed at Prescott, General Bierce was to revive the project of Handy at Windsor. For this purpose men were collected at various points on the frontier to the number of nearly four hundred. They marched to the junction, four miles from Detroit, equipped themselves, and made ready to cross into Canada, where they seem to have expected that they were about to commence a winter campaign. A knowledge of this movement was spread abroad; and couriers were sent through the

western district to bring men for the defence of Windsor, Sandwich, and Fort Malden. On the night of the fifth day, when the numbers had been much reduced by desertions, General Bierce was ready to cross the river, the steamer was prepared, and a crossing was made to Windsor. On landing he briefly addressed the men, and issued a proclamation to "the citizens of Canada." On nearing a house used as a barracks for the militia, shots were exchanged between the occupants and the invaders, and a Captain Lewis, from the London district, who was with the latter, was killed. The invaders set the militia barracks on fire, and two militiamen are said to have been burnt to death. The sentinel was shot. The steamer *Thames*, embedded in the ice, shared the fate of the barracks. After this, the party proceeded towards the centre of the town, where the principal division was met by a militia force under Colonel Prince and Captain Spark, and driven into the woods. Bierce resolved to retreat, and leave the larger body of the men who had taken refuge in the woods. The retreating party were reduced to the necessity of picking up canoes, or whatever they could find, in which to escape. In this raid, twenty-five of the invaders lost their lives, and forty-six others were taken prisoners. Of the twenty-five, four were taken prisoners and shot in cold blood, without the form of a trial, by order of Colonel Prince. This act was condemned by Lord Brougham and others in terms

of great severity; and there can be no doubt that, whatever excuses may be made for it, Colonel Prince committed a terrible mistake.

So long as Mackenzie remained at New York, he was between four and five hundred miles from the nearest centres of frontier operations. During the last three-quarters of the year 1838, he had been occupied in the publication of a newspaper; and was now about to yield to the solicitations of his friends to remove to Rochester, where it was thought its influence would be more directly felt. In the early part of January, 1839, he visited that city, and resolved to remove there with his family and printing office. The change was made early in February. The last number of the *Gazette* issued in New York bore date January 26th, and the next number made its appearance in Rochester on February 23rd.

On March 12th following, Mackenzie issued a confidential circular calling a special convention, to be held at Rochester, "to be composed of Canadians, or persons connected with Canada, who are favourable to the attainment of its political independence, and the entire separation of its government from the political power of Great Britain." An Association of Canadian Refugees was formed, of which John Montgomery was appointed president, Mackenzie, secretary, and Samuel Moulson of Rochester, treasurer. A confidential circular, dated "Office of the Canadian Associa-

tion, Rochester, March 22nd, 1839," was issued, in which questions were proposed and suggestions made. While the independence of Canada was the ultimate object aimed at, another object was to prevent all isolated or premature attempts, such as had recently failed at Ogdensburg and Windsor, from being made. The notion of attempting to secure the independence of Canada, by means of invading parties from the States, was discarded. But the idea of Americans succouring the Canadians, in case they should themselves strike for independence, was unquestionably included in the plan. This was shown by one of the questions asked in the circular.

These associations appear to have differed from those of the Hunters' Lodges in very essential particulars. The Rochester Association was composed of Canadian refugees; the Cleveland Association was composed almost entirely of Americans. The former laid it down as a rule that the independence of the Canadas must first be asserted by the resident Canadians, and then, but not till then, extraneous assistance might be afforded them. Mackenzie claimed for the Rochester Association that it prevented small marauding expeditions from being organized. At the same time, its members were preparing to second the efforts of the Canadians, should the standard of revolt be again raised within the provinces. Certain it is, that no expeditions were fitted out against Canada after this

time, although there were extensive organizations in the border states, of which the object was to assist in bringing about the independence of Canada. There was formed an auxiliary Association of Canadian Refugees in Cincinnati, in which there were no Americans. Dr. Duncombe was connected with it. But the plan of uniting the Canadian refugees, instead of allowing Americans to form schemes for the "liberation" of Canada, seems to have originated with Mackenzie in January, 1839.

The circular of the Rochester Association does not appear to have elicited many replies, though there were refugees scattered all over the union, from Maine to Florida, and the project came to nothing.

CHAPTER XV

THE TRIALS OF AN EXILE

WE shall now see what Mackenzie was to suffer and endure for his part in the civil war in Upper Canada. When he was indicted at Albany, in June, 1838, Attorney Badgley, by his instructions, informed the court that he would be ready for trial next day. Mackenzie kept his word, and attended before the court; but District Attorney Benton was not ready. The court required him to be present again in October. In September, Mr. Benton assured him the trial would come on. Mackenzie again attended at Albany; but the district attorney had found reasons, in a statute of Congress, for trying the case at Canandaigua, Ontario county. About a month before the June sessions of the Circuit Court, Mr. Benton informed Mackenzie that the case might come on on the very first day of the sittings. The defendant attended at Canandaigua; and, his patience being exhausted, he, on the second day after the court opened, addressed a memorial to the judges expressing a desire to be allowed to be put upon trial on the charge preferred against him; he had never shrunk from a trial, and had no wish that it should be waived. This memorial was presented on June

19th, 1839, and the trial commenced before the United States Circuit Court on the next morning. It lasted two days. The recognizances, into which Mackenzie had entered, having expired some time before, and not having been renewed, his appearance before the court was a voluntary act. The judges were Smith Thompson, of the United States Supreme Court, and Alfred Conklin, circuit judge of the northern division of New York. The prosecution was conducted by N. S. Benton, United States district attorney. Mackenzie, as had been his custom in cases of libel, undertook his own defence. No jurors were challenged. The jury appears, however, to have been irregularly struck. The indictment, under a law of 1794, and another of 1818, never before put into execution, charged the defendant with setting on foot a military enterprise, at Buffalo, to be carried on against Upper Canada, a part of the Queen's dominions, at a time when the United States were at peace with Her Majesty; with having provided the means for the prosecution of the expedition; and with having done all this within the dominion and territory, and against the peace, of the United States.

After the evidence for the prosecution was concluded, Mr. Mackenzie addressed the jury for six hours. "His speech," says a Rochester paper, "was really a powerful effort. He enchained the audience, and at its conclusion, if a vote had

been taken for his conviction or liberation, he would have had a strong vote in his favour." "I think it hard," he said, "to be singled out and dragged here at this time; but as I require an asylum in your country, I am bound, and I do sincerely wish, to pay the utmost respect to your laws. Indeed it is admiration of your free institutions which, strange as it may seem, has brought me here to-day." He pointed out the anomaly of allowing their own citizens to escape, while he and one other foreigner were pounced upon. "I have been told," he remarked to the jury, "to say pleasant things to you, to use honeyed words, and avoid any topic that might touch the national pride or wound the national vanity; but as I did not stoop to flatter power in the few on the other side of the Great Lakes, it is not likely that I shall cringe to it here, as apparently vested in the many." He told them very plainly, what had been their traditional policy in regard to Canada.

Judge Thompson, in his charge to the jury, was careful to tell American citizens exactly how far they could go without overstepping the limits of the law; they could give their sympathy a practical shape by personally carrying money and supplies to the oppressed. He added that, in the case of Canada, he had no doubt, the "oppressions detailed by the defendant really existed, or do exist, and that all the zeal he has dis-

played has been the zeal of a patriot." But the greater part of the judge's charge bore strongly against the defendant. He told the jury they must accept the law from him.

At two o'clock the jury retired; at half past four they sent for a copy of the statutes of Congress, and at five they came into court with a verdict of "guilty." The defendant gave eighteen reasons why the sentence to be passed upon him should be merely nominal. The court had power to imprison for three years, and levy a fine of three thousand dollars; but Judge Thompson took into consideration that this was the first trial under a law passed in 1794; that the defendant had evidently been ignorant of its provisions; that the case involved no moral turpitude; and that the defendant had acted with a zeal which actuates men who, however mistaken, think they are right. The sentence was that he should be confined in the county gaol of Monroe for eighteen months, and pay a fine of ten dollars.

For the first three months of his confinement, Mackenzie was shut up in a single room, with an iron door, which he was never once allowed to pass. Except his own family, scarcely any friend was permitted to see him; but he was kept on constant exhibition by the gaoler, crowds of strangers being allowed to feast their eyes upon a live rebel leader. Having a perhaps somewhat morbid fear that he might be poisoned if he

accepted food at the hands of the gaoler, his meals were regularly brought from his own house. Twice, when he was sick, his physicians were refused admittance. Built on low marshy ground, the gaol was surrounded with stagnant water during the greater part of the year; and as Mackenzie was particularly susceptible to miasmatic influence, he suffered severely from the debilitating effects of marsh fever, and was a good deal dispirited. Medical certificates, that the close confinement had a very injurious effect on his health, having been laid before the board of supervisors, they, without having any power in the matter, suggested that he should be permitted a little more exercise within the walls of the building. "The charges upon which Mr. Mackenzie was convicted," they said, "are not looked upon by the community as very venial, nor in any way compromising his moral character, and therefore we would frown down indignantly upon any extraordinary enforcement of official authority."

On October 12th, 1839, the imprisoned fugitive had a narrow escape for his life. A little before noon, as he was standing at one of the windows looking out to see whether a friend, Mr. Kennedy, was coming, a slug shot, coming through one of the panes, whizzed past him and penetrated the plaster on the opposite side of the room. He opened the window and asked the gaoler's boy, who was outside, if he saw any one in the direction

whence the shot must have come. The boy said he had not. "Who fired the shot," said Mackenzie, in a private letter, "I shall probably never know;" but, with the expectation of longevity, which he always entertained, he added that the escape afforded "another chance for old age, with the pains and penalties attached to it." The gaoler, on inquiry, learned that a tall, stout man, with a gun in his hand and a dog by his side—having the appearance of a sportsman—had been seen beyond the mill-race, whence the shot must have come, about the time of the occurrence. A buckshot was found to have penetrated one of the adjoining windows, and several others struck the wall. In Buffalo, in 1838, he had been warned that assassins were on his track, and a young man about his size, a brother of General Scott's secretary, had been assassinated under circumstances which gave rise to the suspicion that he had been mistaken for Mackenzie.

By this time the effects of the close confinement in the room of a gaol, surrounded by miasma, had broken the luckless prisoner's health. He could not take the food which his children regularly carried to him, and medicine seemed to give no relief. His means were exhausted, and the approach of a gloomy winter inclined him to despair. He had depending on him a mother, ninety years of age, a wife in delicate health, and six helpless children. The people, however, had become greatly inter-

ested in the fate of the political prisoner, and by the middle of November, memorials for his release had been signed by between fifty and sixty thousand persons. The exertions made had procured him a larger space to walk in; medicine had, at last, produced a salutary effect, and he was better in health. He was allowed to walk in the hall into which his room opened, and to take exercise six hours in the day in the attic which extended over the entire building.

In December his mother died, and he, by being brought as a witness in a case tried in his own house by permission of the state attorney, was enabled to spend six hours with her, and to receive her last farewell, but he was not permitted to attend the funeral.

Mr. Secretary Forsyth's instructions to Marshal Garrow had not the desired effect of producing any considerable mitigation of the severity to which the prisoner had been subjected. On January 14th, 1840, Mackenzie memorialized Mr. Seward, governor of the state of New York, on the subject. But the laws of the state gave that functionary no power to act in a matter which concerned the United States alone. "Nevertheless," said Governor Seward, in his reply of the twenty-seventh of the same month, "I acknowledge most freely that your offence being of a political character, I think it is to be regarded in a very different light from crimes involving moral turpitude, and that a distinction

ought to be made, as far as possible, between the treatment of persons convicted of political offences and those of the other class;" and he wrote to the sheriff of Monroe county expressing this opinion, and the desire that the prisoner's position might be made as comfortable as possible. The rigour of his punishment was now abated, and Mackenzie was allowed to take exercise as prescribed in the sheriff's orders. The prisoner's birthday was duly celebrated by a number of friends who dined with him in gaol, on March 12th.

The memorials to the President for the prisoner's release had now hundreds of thousands of signatures attached to them. Congress had also been petitioned on the subject. A friend assured him that the President had, at Saratoga, declared to different persons that he should not comply with the petitions for a pardon unless desired by the British government to release the prisoner. Did that government present such a request? Or did the petitions become too numerous for President Van Buren to resist? The latter seems to be the true explanation; for Mackenzie was afterwards informed, at Washington, that the President, adverse to a release to the last, felt himself unable to resist the demand of three hundred thousand petitioners. About April 12th, the secretary of state told a friend that Mackenzie would soon be pardoned, but that it was necessary to keep the matter secret for a few days; and, on Sunday evening

May 10th, 1840, he was permitted to bid adieu to the horrors of what he called the American Bastile.

Though Mackenzie had exerted himself with all the energy his enfeebled strength would permit, and though, while imprisoned, he had continued to conduct his newspaper, and had compiled the *Caroline Almanac*, which contained matter enough, compressed in small type, to have made a volume of respectable dimensions—his business failed to thrive. Till the death of his mother, the family never suffered want; but after that event, the gaunt spectre sometimes threatened to enter the door. But in this respect there was still worse in store for them.

Shortly after his release from prison, Mackenzie revisited Washington and Philadelphia. At Washington, he had private interviews with a number of senators and leading men from all parts of the union. "I heard much and saw much," he wrote privately from Albany, on July 6th, on his way back, "and am sure that we of the North have nothing to hope from the party in power. Van Buren is with the South, the English importer and the capitalist, who rule this nation for their own advantage. There is much and well-founded discontent among northern members—even of those who go with the party in power—and some of them were so plain as to wish trouble on the frontier—though I place no names here—while

others hinted that the North might push matters to the length of a disunion from the slave-driving South." He still hoped for the independence of Canada, to which he was not permitted to return, and where rewards for his apprehension, schemes for his extradition, and plans to kidnap him were still kept alive. As the result of his visit to Washington he felt, "on the whole, greatly encouraged." His health was much improved, and he was delighted with a day's visit to the Catskill Mountains.

But the greater the exile's practical knowledge of the working of American institutions, the less was the admiration he felt for them. "Over three years' residence in the United States," he said in the last number of his *Gazette*, on December 23rd, 1840, "and a closer observation of the condition of society here, have lessened my regrets at the results of the opposition raised to England in Canada in 1837–8. I have beheld the American people give their dearest and most valued rights into the keeping of the worst enemies of free institutions; I have seen monopoly and slavery triumph at their popular elections, and have witnessed with pain 'the bitter fruits of that speculative spirit of enterprise to which,' as President Van Buren says in his late excellent message, his 'countrymen are so liable, and upon which the lessons of experience are so unavailing'; and although the leaders of parties here may not say

so to their followers, yet the conviction grows daily stronger in my mind that your brethren of this union are rapidly hastening towards a state of society in which President, Senate, and House of Representatives will fulfil the duties of King, Lords, and Commons, and the power of the community pass from the democracy of numbers into the hands of an aristocracy, not of noble ancestry and ancient lineage, but of moneyed monopolists, land-jobbers, and heartless politicians."

Soon after the publication of the *Gazette* was closed, the press and types were sold; and the family subsisted on the proceeds as long as they lasted. The injury inflicted on the publication by the absence of Mackenzie's personal superintendence, while in prison, was never overcome; and the paper ceased to be profitable before it ceased to exist.

The Canadian authorities resorted to every possible expedient to get Mackenzie into their power. Rewards for his apprehension were held out as a premium to kidnappers; and his personal and political enemies clubbed their dollars into blood money to make the temptation strong enough for some man-catcher to undertake the detestable speculation. In the winter of 1838, a Canadian judge wrote to an American judge suggesting the "exchange" of Mackenzie for a number of Prescott and Windsor prisoners. The offer embraced a hundred for one; and while the men to be given

up were guilty of invading Canada, Mackenzie, for whom it was proposed to exchange them, had had no connection whatever with the expeditions. Coming from an old political enemy, the offer had all the appearance of a revengeful thirst for the blood of a fallen foe.

There can be no question that the suggestion made by the judge had the authority of the colonial executive; because a similar proposition was afterwards put forth in the name of the executive council. In a report to Sir George Arthur, dated February 4th, 1839, the executive council said: "Were it positively understood that such men as Johnson, Birge, Bierce, and Mackenzie would be seized and delivered up, as having violated the refuge afforded them, there would be no objection to the release of hundreds of obscure criminals; because we might be assured that, if certain punishment awaited their leaders, notwithstanding their escape across the border [at least half of them were Americans and never lived in Canada], the whole conspiracy would fall to the ground for want of leaders." So far as it relates to Mackenzie, this is precisely the same as if Louis Napoleon were to expect England to give up French political refugees who had escaped to that country. With American citizens who had invaded Canada, in time of peace, the case was different; the duty of the federal government was not to hand over these leaders, but to enforce

against them its own laws for the maintenance of neutrality. If this had been done, the prosecution of Mackenzie would have ceased to wear a partial aspect.

Sir George Arthur approved of the project for exchanging prisoners for refugees; and the authorities of the state of New York were sounded on the subject. W. H. Griffin, post-office surveyor, went upon this mission. Not finding Mr. Seward at Albany, he conversed with Mr. J. A. Spensor on the subject. Mr. Spensor told him that the principal obstacle to the proposed arrangement was the public indignation its execution would excite; and he suggested that, under the circumstances, it would be better to kidnap the refugees, adding an assurance that, if this were done, the state authorities — Mr. Seward and the rest — would not be disposed to regard the act as a breach of amity.[1]

Why should such a hint not be improved? Had Canada no bloodhounds ready to snatch Sir George Arthur's four thousand dollars by kidnapping Mackenzie? It seemed not: for a private subscription of two thousand dollars more, set on foot by one of the exile's old political opponents, had to be added. And now surely here is temptation enough to turn mercenary men into kidnappers! On November 14th, 1840, Mackenzie received from several re-

[1] Letter from Mr. Griffin to the Hon. R. N. Tucker, dated Gananoque, U. C., May 14th, 1839.

spectable citizens of Rochester warning that an attempt would be made in a day or two to seize him, drag him on board the steamer *Gore*, and carry him off to Canada.[1] Among them was Mr. Talman, who called three times at Mackenzie's house that day without finding him. The last time he left word that Mackenzie should by no means leave his house after dark that night. But this warning was not heeded; he went to see Mr. Talman that night. The substance of the information received from various sources was the same. A guard was placed upon his house.

The matter, being brought before the attention of the authorities, was made a subject of judicial investigation before Mr. Wheeler, on November 20th, 1840. Several witnesses were examined, the principal of whom, W. A. Wells, stated the result of a conversation he had had with James Cameron, son-in-law of the late Mr. Drean of Toronto, and brother-in-law of Mayor Powell of that place, and

[1] Some warned him verbally, and one, Mr. Wells, one of the publishers of the Rochester *Daily Whig*, in writing. He said: "William L. Mackenzie—Sir:—I take the liberty of informing you that a plan is in contemplation to carry you to Toronto. It is this: The steamboat *Gore* (Captain Thomas Dick) will be in this port in a day or two. She is to be at the wharf at the mouth of the river, with steam up, etc., to surprise and muffle your face, and put you in a carriage which will be in waiting, and take you to the boat. A British officer is in this place, and has disclosed the circumstances to me. Although we have had some personal difference, I cannot consent to have you kidnapped. Be on your guard.

"Nov. 14, 1840. W. A. Wells."

sometime clerk in the Bank of British America at Rochester House. Cameron commenced the conversation by introducing the subject of the Canadian troubles, and asked Wells whether he had not had some difficulty with Mackenzie that had created an unfriendly feeling between them. Receiving a reply in the affirmative, Cameron, thinking he might safely trust a person who was on such terms with the object of the kidnappers' desire, then unfolded to him the scheme. Mackenzie was to be decoyed to the lower part of the city by an invitation from one whom he regarded as a friend; he was then to be seized by two powerful men, a handkerchief tied round his mouth, and dragged into a carriage, with a pistol pointed at his face under a threat that his brains would be blown out if he made a noise. In this state he was to be taken on board the steamer *Gore*, at Frankfort—the mouth of the Genesee River—which was to be ready with steam up. In her next trip she was to bring over another person, a Scottish military officer, who was to assist in the kidnapping, All this was to be done with the consent of the persons in charge of the steamer. Cameron mentioned that, in addition to the reward offered by the Canadian government for the apprehension of Mackenzie, he expected to get a colonial appointment. Cameron's counsel did not cross-examine the witnesses, but took a technical exception to the form of warrant. The evidence was deemed sufficient to justify the magis-

strate in binding Cameron over to answer the charge, but the case was quashed when it came before the grand jury.

Cameron afterwards pretended that he had hoaxed Wells in the conversation at the Rochester House; but there is little reason to accept so shallow a pretence. According to his account he was somewhat "oblivious" of what had occurred at the interview with Wells; and men in their cups are very much in the habit of blurting out truth which at other times they would conceal. The idea of kidnapping Mackenzie was not a new one. A long train of preliminaries pointed to precisely such an enterprise as that in which Cameron told Wells he was engaged. The steamer did leave the upper wharf that night at an unusual hour, and without ringing her bell. At the mouth of the river, seven miles below the head of the Genesee navigation, where he was to have been put on board, she waited till near midnight. These are circumstances of suspicion too strong to be neutralized by the action of the grand jury in the case.

A few months after the last number of the *Gazette* was issued, and a memorial to the judges of the Court of Common Pleas to admit him to practise at the bar had been refused, namely, about March, 1841, the public were notified that William Lyon Mackenzie's law office was to be found in an upper room in St. Paul Street. It was a last effort of despair, and came to nothing.

THE DARK DAYS OF ADVERSITY

The clouds of adversity gathered thick and gloomily over the exile's head. Bereft of his property by an insurrection in which he had borne a leading part, he had known what it was to commence the world anew among strangers. A long imprisonment had ruined the precarious profession of a journalist who appealed to the public sympathies only upon a single subject. He found himself without occupation, and with only very limited and uncertain means of subsistence. At this period it would frequently happen that, for twenty-four hours at a time, the family had not a morsel of food, and neither light nor fire. Yet no father could be more assiduous in his endeavours to provide for his family. After a day and night's enforced fasting, he would go shivering forth in the morning's cold, hoping to collect a small sum due to him, or, failing in that, to borrow from a friend the means to purchase bread for his famishing children. He tried another newspaper, the *Volunteer*, of which the first copy appeared on April 17th, 1841, and the last on May 10th, 1842. During that period only nineteen numbers were issued. They were printed when the means to print them could be obtained. This attempt to revive a general interest in the Canadian question failed, and without that interest a paper devoted to it could not live. His pecuniary circumstances experienced no improvement; and to make things worse, his house took fire in March, and a portion

of his furniture was burnt. The family suffered much from sickness, the result of pinching want. And now, despairing of any measure of success in Rochester, where he had spent three and a half weary years, he fixed his hopes once more on New York. On June 10th, 1842, he left with his family for the latter city.

After his arrival at New York, the unfortunate refugee spent most of his time in collecting some of his old debts and devising ways and means to live, till an influential political friend obtained for him the situation of actuary of the New York Mechanics' Institute. He refused situations in two or three newspaper offices, because he would not occupy a subordinate position on the press; and this disposition to be everything or nothing was no bad illustration of his character. In his new office, Professor Gale, of Columbia College, had been his predecessor. He was pleased with his occupation. "The prospect brightens," he says, "and I may enjoy a little ease in my old days," a hope which was never realized. His emoluments were chiefly derived from fees; and these were paid with so little punctuality or honesty that his new employment proved but a slight mitigation of his distress. At the close of the year, however, he considered himself "very comfortably settled." "I was much behind, when I got into the office," he wrote privately, December 24th, "but during the year for which I am engaged, I

have no doubt that I shall place myself and family once more in comfortable circumstances, the more gratifying as we have suffered much poverty and long continued privation." Such was his pride in his children, his ideas of duty, and his appreciation of the advantages of education, that he continued to keep them at good schools.

While in this situation, Mackenzie commenced a work entitled *The Sons of the Emerald Isle, or Lives of One Thousand Remarkable Irishmen.* He made application for a copyright, and entered into a written agreement with Burgess, Stringer & Co., of New York, to become the publishers. In July, 1843, he speaks of having nearly five hundred of the biographical sketches ready; but only two numbers—there were to have been eight or ten in all, averaging fifty pages each—were published. The subjects selected were Irish patriots or their descendants; and the concise sketches contain a multitude of facts and much matter of novel character. He had access to sixteen thousand old American newspapers extending over a period of forty years, from which he was enabled to study the character of the men and the measures of that time. He wrote, after the first two numbers were out, that the work would be immensely profitable; but want of means seems to have prevented his continuing it.

At the end of the year, he gave up his office in the Mechanics' Institute, retiring with a un-

animous approval of his conduct. Owing to the remissness of the members in paying, it turned out a poor place; and in January, 1844, he declares that he has had as hard times in New York as he ever had in Rochester. Having been introduced to the son of President Tyler, Mackenzie was offered an inspectorship of customs, at New York, at eleven hundred dollars a year; but when the nomination was sent to Washington, it was rejected by the secretary of the treasury because the nominee was a British outlaw and had attacked the late President. He had issued three numbers of a new paper called the New York *Examiner*, but he gave it up on his nomination to this office. Tyler wrote him that he might have any other office in his gift of equivalent value. When the promised situation came it was a temporary clerkship in the archives office of the New York Custom House, with a salary of only seven hundred dollars a year.

While engaged in the Custom House, it became Mackenzie's duty to read a correspondence between Jesse Hoyt and Benjamin Franklin Butler, of a very extraordinary character. Hoyt had been collector of customs at New York, and in that capacity had embezzled two hundred and fifty thousand dollars. Mackenzie, thinking that, in his haste to secure the money, Hoyt had forgotten that he had left certain private letters in the public archives, induced Henry Ogden to call upon him

and ask him to take them away. Hoyt replied that he had already taken all he wanted. By permission of the collector, Mackenzie copied the letters; and he had official authority to do what he pleased with them. He sent copies of several of these letters to President Polk; and the result of their perusal was to prevent the appointment of Coddington to the collectorship of New York. Mackenzie then, on June 1st, resigned his office; and, in 1845, published *The Lives and Opinions of Benjamin Franklin Butler, United States District Attorney for the Southern District of New York, and Jesse Hoyt, Counsellor at Law, formerly Collector of Customs for the Port of New York;* a compact octavo volume of one hundred and fifty-two pages. In a very short time fifty thousand copies were sold; whereupon an injunction was obtained from the Court of Chancery to restrain the further publication of the work. The copies went up to double the previous price. The injunction was granted at the instance of Hoyt, on a complaint that three of his letters were comprised in the publication. While the publishers made a very large profit on the book, the author, to avoid all ground for the imputation of improper motives in the publication, refused to take any remuneration for his labour, though he lived on borrowed money for several months while he was preparing the work for the press. He took out a copyright, and assigned it without consideration

to the publishers. Chancellor Walworth, on appeal, dissolved the injunction granted by the vice-chancellor, after the lapse of two and a half years, deciding that the author had a right of property in the book, and that a court of equity had no power to restrain its publication. Unsuccessful attempts were made, at different times before grand juries, to indict the author for the use he made of these letters, but without avail.

In 1846, Mackenzie published *The Life and Times of Martin Van Buren*, a closely printed octavo volume of three hundred and eight pages. It was enriched by contributions from the bundle of letters left by Hoyt in the New York Custom House, though a large portion of the materials was drawn from other sources. Of this work he sold the copyright to William Taylor of New York for a thousand dollars. The sale of the copyright is dated November 25th, 1845, and the book was to be completed by about January 15th following. This work dealt Van Buren his political death blow. He never rose again.

In the course of this year, Mackenzie became connected with the New York *Tribune*, of whose editor, Horace Greeley, he continued to the day of his death to entertain the highest opinion, as did Greeley of him. On May 1st he arrived in Albany for the purpose of attending the convention to revise the state constitution. He wrote daily to the *Tribune* a long letter on the proceedings of

the convention. Commencing in the early part of June, the convention continued its sittings till October 9th. Many suggestions made by Mackenzie were adopted and embodied in the amended constitution.

In some respects times with him had improved. He had plenty of offers of literary employment. He had found a real friend in Greeley; and he received from George Bruce, the great type founder of New York, a very tempting offer. The large printing establishment of Percy & Reid, New York, had been sold at sheriff's sale; and Bruce had become the purchaser at ten thousand dollars. He offered it to Mackenzie on a credit of ten years, with means to carry on the business. The offer was gratefully received, but was rejected, contrary to the advice of his family and friends, principally because the business would have required a partner, and he disliked partnerships. Mackenzie remained in Albany one year, in the latter part of which he performed the duties of correspondent in the legislative assembly for the *Tribune*.

Upon returning to New York, Mackenzie continued his connection with the *Tribune* till Mr. McElrath, one of the partners in the establishment, expressed some dissatisfaction with his writings, and he then left with the intention of never returning. This was early in April, 1848. He spent some time in the composition of a work on British America, which he never completed. He always

continued on good terms with the editor, Horace Greeley; and in October, 1848, at Mr. Greeley's earnest request, he agreed to attend the next session of Congress as correspondent of the *Tribune*. But he did not leave New York till about the New Year.

By the end of the year 1843, an amnesty—not general but very comprehensive—had enabled numerous political exiles to return to Canada. But while Papineau, Rolph, Duncombe, and O'Callaghan were pardoned, Mackenzie was still proscribed. Hume wrote him on one occasion stating that the exclusion arose from the belief, entertained by the English ministry, that the origin of the rebellion was due to him. Three years after, Isaac Buchanan wrote to Sir Robert Peel and Lord Palmerston begging that they would have Mackenzie included in the amnesty.[1]

[1] Mr. J. C. Dent, in his *Story of the Upper Canadian Rebellion*, (Vol. i, p. 302, note), says, speaking of the amnesty: "Considerable misapprehension appears to exist on this subject owing in great measure, doubtless, to inaccurate statements in Mr. Lindsey's *Life and Times of William Lyon Mackenzie*. It is there alleged that, by the end of the year 1843, an amnesty—not general, but very comprehensive—had enabled numerous political exiles to return to Canada (Vol. ii, p. 290). This is altogether erroneous. No amnesty, comprehensive or otherwise, was granted in 1843, nor at any time prior to 1849. Those exiles who returned to Canada before the last mentioned date did so, either by virtue of special pardons granted under the great seal, or in consequence of official discontinuance of proceedings against them."

Mr. Dent is entirely mistaken in this statement. The Act, I Vict. c. 10, passed March 6th, 1838, and embraced in the statutes of

The reply was that, before this would be done, the Canadian ministry must recommend the measure. But the latter were adverse to such a course, and to them alone his continued exclusion from Canada was owing. The remembrance of this circumstance probably intensified his opposition to the men who composed this ministry after his return to Canada. In 1848, the Canadian assembly unanimously addressed the Queen in favour of granting a general amnesty of all political offences.

A letter from Hume to Mackenzie written at this time, on the subject of the amnesty, is interesting for other reasons as well. It was dated at London, January 20th, 1848, and was sent to Mackenzie at New York where he was then living. Hume, it will be remembered, was the writer of the so-called "baneful domination" letter, which was published by Mackenzie in the *Advocate* many years before, and which, being charged as disloyal, was sought to be used as such against Mackenzie in every way possible. The following letter, besides being a tribute to Mackenzie himself, quotes one of several statements by Lord Sydenham in defence of the rebellion, and shows that Hume's opinions were entirely opposed to those imputed to him:—

"Although I have always deprecated and con-

Upper Canada, 1837-8, was an Act to enable the government of this province to extend a conditional pardon, in certain cases, to persons who had been concerned in the insurrection, and such pardons were extended. Mr. Lindsey's statement is strictly correct.

demned the attempt at revolution, made in Canada by you and others, by which you were outlawed, and have been for these ten years in the United States, yet I cannot forget the eighteen months you spent in London, as the delegate from the House of Assembly and people in Upper Canada, to endeavour to put a stop to the misrule of the clique administration of that province, and to allay the discontent so generally existing in the province at that time.

"Of many public men, deputed to promote the welfare of their constituents, who have come to my acquaintance during the last forty years of my public life, I have known no one who showed a greater desire to see the abuses of the government of the Canadas removed quietly and in a constitutional way than you did; and I therefore gave you every aid in my power to procure for you access to Lord Ripon and other members of the administration of the day; and I attended for hours to hear your statements of the abuses of the colonial government (and of the mode of removing them) by the colonial office supporting the measures of one-third of the popular assembly there.

"With that knowledge, and after the declaration, or rather retarded opinion, of Lord Sydenham (after he became acquainted with the proceedings in Canada), 'that he was surprised the people had borne so long the oppression of the family clique,

and had not rebelled sooner,' I cannot but consider you as the victim of the misrule of that government and of the colonial office in Downing Street, that had continued their support to the family clique that was the bane of Upper Canada, and had caused such discontent throughout the province.

"It was to be expected that you, who had been the first mayor of Toronto, and who had been the leader of the Reformers in the House of Assembly for years; and who had, before a select committee of that assembly, exposed and proved corruption and misrule to that extent that resistance to the order of the clique was the theme of the population of Upper Canada, when recourse was had to arms, would be selected as a leader, and as such you were placed as an outlaw from Canada. As a political offender you took the chance of the struggle, and you have suffered for the part you took; but, as I think, too much and too long.

"I have six times made application to the ministers of the Crown here to grant an amnesty to all the political offenders in Canada, stating that, as the discontent was caused by misrule, oppression and corruption, the whole should be buried in oblivion as speedily as possible, but without success. On the birth of the first Princess by our Queen, I applied to the ministers to grant a general amnesty and was refused. On the birth of the Prince of Wales, I repeated my application with similar want

of success. When Mr. Baldwin was minister, I sent to him, and to Mr. Hincks, copies of my correspondence with the ministry for a general amnesty, and I requested them to apply to the colonial office for the same. They said the day was not come, and they never did it.

"In May, 1847, when Lord Palmerston, in interfering in the internal affairs of Portugal, made it one of the principal points in the Protocol, 'that every man of whatever rank, taken in arms in the field or otherwise, should have an amnesty granted,' I applied to have the pardon, or rather the amnesty, extended to you and two others from Canada, all that remained in exile; but my application was refused. I should have made it the subject of a specific motion in the House of Commons, if I had not been advised to allow the government to do the act themselves. They have one by one removed the outlawry until you alone remain.

"On the 15th instant I waited on Earl Grey, and solicited from him an amnesty for you, the only remnant of Canada's victims. He refused to originate any steps for your pardon, as the charges against you were serious, but said that he would receive favourably any resolution or representation from the government of Canada in your favour. I stated that there was a petition to that purport on file, but he had not seen it. I expect the result of the elections, now finished, will be to place Baldwin and his party in power, and, by the first packet,

I shall write them to take measures for your immediate pardon.

"I have always considered you the victim (a very incautious one, if you please,) of a vicious system, and, having witnessed your laborious and honest endeavours, here and in Toronto, to prevent bad government and to reform the bad system by constitutional means, I shall never be deterred from the endeavour to see you in perfect freedom, and the sooner the better for all parties."

On February 3rd, 1849, Mackenzie addressed a communication to Earl Grey, at the colonial office, containing some remarkable confessions, the good faith of which is sufficiently guaranteed by numerous statements in private letters. From this communication I quote the following extracts:

"A course of careful observation, during the last eleven years, has fully satisfied me that, had the violent movements in which I and many others were engaged on both sides of the Niagara proved successful, success would have deeply injured the people of Canada, whom I then believed I was serving at great risks; that it would have deprived millions, perhaps, of our own countrymen in Europe, of a home upon this continent, except upon conditions which, though many hundreds of thousands of immigrants have been constrained to accept them, are of an exceedingly onerous and degrading character. I have long been sensible of the error committed during that period to which

the intended amnesty applies. No punishment that power could inflict, or nature sustain, would have equalled the regrets I have felt on account of much that I did, said, wrote, and published; but the past cannot be recalled. . . . There is not a living man on this continent who more sincerely desires that British government in Canada may long continue, and give a home and a welcome to the old countrymen, than myself. Did I say so, or ask an amnesty, seven or eight years ago, till under the convictions of more recent experience? No; I studied earnestly the workings of the institutions before me, and the manners of the people, and looked at what had been done, until few men, even natives, had been better schooled. The result is—not a desire to attain power and influence here—but to help, if I can, and all I can, the country of my birth."

Pressed by Hume and others, the Canadian government, in 1849, originated a measure for a complete amnesty of all offences arising out of the events of 1837-8. Mackenzie had for some time been the last exile. It passed unanimously in both Houses; and in the name of the Queen, Lord Elgin, as governor-general, gave it the royal assent on February 1st, 1849. Immediately on receiving this intelligence, Mackenzie resolved to return to Canada permanently. But after so long an absence, he was in some doubt as to how he would be received there. In this state of uncer-

tainty, he resolved to try the effect of a personal visit. Before coming to Toronto, the scene of his former activities, and his future home, he called at Montreal, then the seat of the Canadian government. What Sir George Arthur had, ten years before, denounced as Mackenzie's scheme of responsible government was now in full operation;[1] but it was administered by persons, only one of whom, the Hon. Francis Hincks, paid the least attention to the man who had been reviled as its author so long as it was deemed odious or unpopular. This member of the government had paid him a casual visit in the Rochester prison; while others from Toronto, on whose friendship he had much greater claims, had passed on without giving any proof that they retained a consciousness of his existence. On his way westward, the returned exile was burnt in effigy at Kingston. At this time, namely, in the spring of 1849, the second LaFontaine - Baldwin administration was in office, the country was in the throes of agitation over the Rebellion Losses Bill, as it was popularly called, and the Queen's representative, having resolved to give his assent to that memorable measure, was about to furnish the strongest evidence possible of the settlement, firmly and finally, of the constitutional question.

The arrival of Mackenzie in Toronto was the signal for a Tory riot. On the evening of March

[1] Despatch to the Marquis of Normanby, August 21st, 1839.

22nd, a mob collected in the streets, with flambeaux and effigies of Attorney-General Baldwin, Solicitor-General Blake, and Mackenzie. They marched defiantly past the police office, burnt two of the effigies opposite the residences of the Crown officers, and then proceeded up Yonge Street to the house of John McIntosh, M.P., his brother-in-law, where Mackenzie was staying. Here, by the aid of two or three blazing tar-barrels, the mob burnt the remaining effigy and assailed the house, broke the windows, and attempted to force their way through the door. All the while, the chief of police and at least one member of the city council were quietly looking on. It is a well attested fact indicative of Mackenzie's indifference to personal danger, that, on this occasion, when some of the rioters were besieging the front doors of Mr. McIntosh's house and endeavouring to effect an entrance, their would-be victim, accompanied by his daughter Janet, and a young political friend connected with a city newspaper, left the house by a rear door opening into the garden, and, unbarring a front gate which led to the street, walked boldly through the angry mob to the residence of a Mr. White, several blocks distant. It was this daughter (afterwards the wife of Mackenzie's biographer) who, a twelvemonth previous, waited on Lord Elgin, the governor-general, with a petition for her father's pardon, which was granted by the bill of amnesty of that year.

On the following day, the mayor caused special constables to be sworn in with a view to preventing a repetition of these outrages; and an alderman, in his place in the council, declared that he "would not hesitate an instant" to assassinate Mackenzie, were he not restrained by fear of the law! For many nights after, the house was well guarded, and was not again attacked. The office of the *Examiner*, which had condemned these outrages, was also threatened with attack. A mob assembled in King Street for that purpose; but when it became known that there was a number of armed men in the building, they dispersed without attempting any violence.

The *Examiner* was at that time published and conducted by Francis Hincks (Sir Francis Hincks, as he became later on), whose *Reminiscences* are a distinct contribution to the political history of the period. The following extract from the article referred to touches points of historical and political interest, and is a fair reflection of the prevailing opinion in the province at the time. "The revolt of 1837," said the writer, "was in reality only a revolt against local misrule—not against imperial authority. Whatever may have been Mr. Mackenzie's errors as a public man, and no one is more ready to admit them than himself, his attachment to the great principles of the British constitution, no one who is at all acquainted with his history, prior to the year 1837, can with truth deny. No man in Canada, indeed, ever gave such evidence of attachment to

the British Crown, or laboured more earnestly to secure the attachment of the colonists to imperial sway than did Mr. Mackenzie until 1836, at which period hope itself languished and withered and died, when the hero of the Pampas, on assuming the government of the Upper Province in 1836, virtually declared that our constitution was only a 'mockery, a delusion and a snare.' Thousands in Canada may not be aware of the fact that, in 1832, Mr. Mackenzie, at the greatest self-sacrifice, left his business in this city, and, with the assistance of a few patriotic friends, crossed the Atlantic, went to London, and for many months laboured with great intelligence, fidelity and zeal in bringing the complaints of the Canadian people under the notice of the home government. And for what purpose did he thus labour? It was in order to avert the evils which he foresaw were generating dissatisfaction, and which were sowing broadcast the seeds of revolt throughout Canada. Who, we ask, among all the hosts of Tories in Canada, ever manifested such disinterested devotion to the interests of his country and the Crown? We defy them to name the man. Nothing but a sincere and ardent attachment to the British constitution could have led Mr. Mackenzie, or any man, to have made such a voyage under such circumstances, and for such a purpose. Malevolence itself could hardly call in question the stern fealty of such a man to the government of his country.

"But there are bounds to loyalty and subjection. The people are not made for the government. Government is a compact between the people and their rulers for the general good, in which is involved reciprocal rights, duties and obligations. There is, therefore, treason against a people as well as treason against a government. If the laws of the political compact are violated on the one hand by rulers, we need not be surprised if they should be violated on the other by the people. And there must be a long and accumulated load of misrule and suffering before a people can be led to brave a conflict with power, and hazard the loss of property and life in defence of their rights. The revolt of 1837 was only the crisis of a disease which had been preying upon the vitals of the country from the beginning of the present century. Sir Francis Bond Head, with an effrontery which is almost unparalleled, published to the world that he encouraged the revolt in order to exhibit his prowess in its suppression! A wise ruler would have respected public opinion, and would have calmed the rising storm, but, instead of this, he laughed to scorn the constitutional claims of the people—he defied the instructions of His Majesty—he boasted that he had created a rebellion which had well-nigh lost an important colony to the empire, and he was, therefore, by imperial authority, driven from power, and crowned with imperishable disgrace and in-

famy. The humiliation and disgrace of this infatuated ruler by the imperial goverment, the elaborate and faithful report of Lord Durham, and the unequivocal testimony of Lord Sydenham as to the extraordinary misrule and injustice which had distinguished the reign of the Compact in Upper Canada, form together the strongest palliation for the events of 1837, just as a proof of the monster iniquities of James II led to and palliated the revolt under William III —with this remarkable difference, however, that the latter was successful while the former was not."[1]

On May 1st, 1850, Mackenzie brought his family from New York to Toronto. So long as he remained in New York, his connection with the *Tribune* continued; and his regular salary gave him the means of supporting his family in comfort. To the end Horace Greeley remained his true and admiring friend. Such was Mackenzie's confidence in his own popularity, that he resolved to stand for the first constituency that might become vacant. It happened to be Haldimand; for which county he was elected in April, 1851, his principal opponent being George Brown, the proprietor and editor of the *Globe* newspaper. The contest was an exciting one and created widespread interest on account of the political prominence of the candidates, both of whom belonged to the Reform party, which, at that time, was com-

[1] The *Examiner*, Toronto, March 24th, 1849.

posed of groups or sections not fully in accord on some of the questions of the day.

The result of this election caused a certain amount of estrangement between Brown and Mackenzie, which was never wholly removed on account of Mackenzie's independence in the assembly and otherwise. It was also one of the causes of Brown's rupture with a large section of the Reform party which had supported the second LaFontaine-Baldwin government, and which supported in turn their successors, the Hincks-Morin administration. The estrangement was, of course, purely political, for public reasons and on public grounds, and never seriously interrupted the personal relations of the two men. They agreed to differ, however widely, without carrying their differences into private life; in fact, Mackenzie, whose nature and disposition were thoroughly genial, never allowed his political differences to affect his private friendships. There was no reason, so far as he was concerned, for resentment on Brown's part in regard to the issue of the election, except that Brown may have considered Mackenzie's standing for the constituency, under the circumstances, an unfriendly act. Mackenzie did not so regard it. He claimed that he was quite within his rights in becoming a candidate, and he conceded the same right to any person who might choose to exercise it. Dr. T. T. J. Harrison, of Selkirk, an old resident of Haldimand, and one of the comparatively few who have a personal

knowledge of the history of the contest, has made the following reference to it in a published interview: "I notice that, in his *Life of the Hon. George Brown*, Mr. Alexander Mackenzie states that Brown was the choice of the Reform convention as a candidate in that election, but that is not correct. There was no convention. There were eighteen persons, two from each municipality, chosen by Mr. Brown and a Mr. Turner, who was also an aspirant, and these eighteen fixed upon Brown as the candidate. That was one of our objections to Brown's candidature—my father and I, I need scarcely say, were Mackenzie men—and one of the principal arguments which we addressed to the people. We could always say, that the nominators really represented no persons but themselves, and that the great body of the people were not consulted; and this argument was always an effective one. Parties, in the political sense, were pretty well split up in that contest. Mr. Michael Harcourt, the father of the present minister of education,[1] and who afterwards represented the county, did not support Mackenzie at that time. He was a Brown man. But Mr. Mackenzie was too much for them all."[2]

The restrictions of space in this volume prevent even a cursory review of Mackenzie's subsequent parliamentary career; this must be reserved for a

[1] The Hon. Richard Harcourt, ex-M.P.P., for many years a member of the Ontario legislature.

[2] The *Star*, Toronto, December 27th, 1900.

more extended biography, should such ever be called for in connection with the political history of the last seven years in which he held a seat in the assembly. Upon re-entering parliament, he found the area of legislative action and the system of government greatly changed. The provinces of Upper and Lower Canada, which had separate legislatures at the time of his expatriation, were now united in a legislative partnership; the Family Compact, as a power in the State, was dead and buried, although the spirit of its enmities still survived;[1] the new system, inaugurated by the Union Act of 1840, had had a ten years' trial with a fair measure of success; the principle of responsible

[1] In a debate in the House of Assembly, in March, 1849, on the Rebellion Losses Bill, Sir Allan MacNab, a leading Tory member of the House, whose party was opposed to the bill, called the French-Canadians "aliens and rebels." In reply, Solicitor-General Blake (father of the Hon. Edward Blake and the Hon. S. H. Blake) said: "I have not come here to learn lessons of loyalty from honourable gentlemen opposite. . . . I have no sympathy with the would-be loyalty of honourable gentlemen opposite, which, while it at all times affects peculiar zeal for the prerogative of the Crown, is ever ready to sacrifice the liberty of the subject. This is not British loyalty: it is the spurious loyalty which, at all periods of the world's history, has lashed humanity into rebellion. . . . The expression 'rebel' has been applied by the gallant knight to some gentlemen on this side of the House, but I tell gentlemen on the other side of the House that their public conduct has proved that *they* are the rebels to their constitution and country." MacNab shouted across the House that, so far as he was concerned, this was "nothing else than a lie." Straightway there ensued a scene of angry disturbance on the floor of the House and in the galleries, which threatened to end in a personal encounter between the two belligerents had not the sergeant-at-arms intervened.

government, which for a time had not been clearly understood by the representatives of the Crown, had been fully recognized by Lord Elgin, then nearing the meridian of his fame; this great constitutional remedy, for the attainment of which Mackenzie had spent the best years of his life, had brought other blessings in its train. Although a brave tribune of the people, Mackenzie had never pretended to be a politicial seer; but a seer he proved to be. Twenty years later and exactly ten years after he had passed forever from the scene, the opinions which his writings show he had expressed, and the prophecies he had uttered, during the ante-rebellion conflict, with respect to the adoption of executive responsibility, were aptly stated by the historian:—

"By the adoption of this principle," says Erskine May, "a colonial constitution has become the very image and reflection of parliamentary government in England. The governor, like the sovereign whom he represents, holds himself aloof from and superior to parties, and governs through constitutional advisers, who have acquired an ascendency in the legislature. He leaves contending parties to fight out their own battles; and, by admitting the stronger party to his counsels, brings the executive authority into harmony with popular sentiments. And as the recognition of this doctrine, in England, has practically transferred the supreme authority of the State from the Crown to parliament

and the people, so, in the colonies, has it wrested from the governor and from the parent state the direction of colonial affairs. And again, as the Crown has gained in ease and popularity what it has lost in power, so has the mother country, in accepting to the full the principles of local self-government, established the closest relations of amity and confidence between herself and her colonies."[1]

It was "a far cry" from 1837, and the after years of hard adversity, to the normal political serenity and settled constitutional conditions of 1851; and, for a time, the returned exile found it difficult to realize the tremendous political transformation. But he speedily got his bearings, and ere long was in the thick of the imminent political controversies of the day—representation by population, secularization of the Clergy Reserves, which meant separation of Church and State, and which was already a subject of agitation, separate schools, etc. These, which were destined to become burning questions, and embarrassing and even destructive to succeeding governments, were at this time not seriously confronting the second LaFontaine-Baldwin ministry, which was then in office. It was not till 1852 that the population of Upper Canada fairly outnumbered that of Lower Canada. It then became evident that the prediction of Lord Durham, that failure to accept his prudent proposal of

[1] *Constitutional History of England* (1871), Vol. iii., pp. 368, 369.

representation according to population, in the legislature of the united provinces, would be productive of future inter-provincial dissension, was about to be verified. Representation by population became the political slogan of George Brown and the powerful newspaper of which he was the founder, and, for many years, the editor, and introduced, as it could not fail to do, a cleavage, which gradually widened, between the representatives of the Reform party in the two provinces, and helped to sow the seeds of decline in its reigning administration.

The story of that particular period need not be dwelt upon here. It is not within the scope of this volume, and has been admirably told by Mr. John Lewis, in his biography of George Brown in the "Makers of Canada" series. The ultimate fate of the ministry, however, in which the leaven of disintegration was already at work, was determined by Mackenzie. He introduced, and supported in a speech of considerable argumentative force, a motion for the abolition of the Court of Chancery. The motion was lost, but the division list showed a majority of the Upper Canadian representatives in its favour, including the members of the legal profession, who usually voted with the government. Attorney-General Baldwin, the Upper Canadian leader, was greatly mortified at this evidence of apparent want of confidence on the part of representatives of his own province, and he shortly afterwards resigned from the govern-

ment,[1] very much to the regret of its supporters. In the following October, LaFontaine retired from public life altogether; and so it happened, that the member for Haldimand became the unwitting instrument in breaking up, eventually, one of the strongest and most capable administrations of the ante-federal era of government.

The political changes, which followed the retirement of the second LaFontaine-Baldwin government, transferred the French-Canadian majority, which had been the mainstay of that government, to the Conservative party in 1854, under the leadership mainly of John A. Macdonald. The alliance thus formed lasted without interruption during the remaining years of Mackenzie's parliamentary career, and in fact for many years afterwards. The *Globe*, inspired by George Brown, fulminated against "French-Canadian domination," and the government of Upper Canada by a Lower Canada majority. Brown's remedy was representation by population; Mackenzie's remedy was a repeal of the legislative union of the two provinces, and the establishment of a system of government on a federal basis, or, indeed, on any basis which would give Upper Canada a complete control of her own affairs. "Mackenzie's annual motion for a repeal of the union" became a familiar phrase in the parliamentary reports of the *Globe* and other Reform papers of the

[1] His resignation was tendered June 30th, 1851.

time. Both remedies, which had the same object in view, were repeatedly denied by the Conservative majority, but were ultimately effectuated and embodied in the British North America Act, 1867.

Outside of parliament Mackenzie was as much sought after, on political occasions, as he had ever been in former years. There was no Reform demonstration of any pretensions to which he was not invited, and at which, when he attended, he was not a welcome and honoured guest. Writing to him from Port Rowan, in the county of Norfolk, on December 18th, 1855, Mr. S. P. Mabee, a prominent Reformer, said: "I was very sorry that you were not at our last anti-ministerial dinner, which really was a grand triumph, and I think must go far towards prostrating the present unprincipled Coalition. I travelled twenty-five miles over almost impassable roads for the purpose of seeing and hearing you and George Brown. Mr. Brown was there and gave a most excellent exposition of the Coalition. You were very much missed. When your letter of regret was read, I never heard a greater outburst of applause. I had no idea your services were so highly appreciated in this country. I verily believe you are the most popular man in Canada; honesty and virtue as a politician must have its reward either sooner or later."[1]

[1] The writer was the father of the present chairman of the Railway Commission of Canada.

Some of these meetings, at a later date than the one above mentioned, were in the interest of the Reform Alliance, an organization designed to unite and consolidate all sections of the Reform party throughout the province. Like the Church at Corinth, the Reform party was not at that time "perfectly joined together in the same mind and in the same judgment." One of the objects of the Alliance was to promote union, and the presentation of a solid front to their adversaries. Mackenzie was as usual a candid critic of the movement. He thought "the voice is Jacob's voice, but the hand is the hand of Esau;" in other words, he thought he perceived George Brown's hand directing the machinery of the organization, and that it was an attempt on his part at dictation with respect to political opinion and action which Mackenzie believed should, within reasonable bounds, be perfectly free and untrammelled. He was probably none the less confirmed in this view from the fact that the *Globe* had been all along—in fact almost from his entrance anew on the parliamentary stage—an undisguised censor of many of his votes in the party divisions of the assembly, and of his alleged disposition to be a "political fault finder." It was under these circumstances that Alexander Mackenzie, then a rising politician on the Reform side, writing from Sarnia, January 22nd, 1857, remonstrated with the other Mackenzie in these terms:

"As a sincere friend of yours, I trust you will permit me to say a word concerning the course you have thought proper to pursue in reference to the Reform Alliance. I assure you I think your course in the last two numbers [of *Mackenzie's Message*] is anything but what the party have reason to expect at your hands; opposition from Tories is natural, and the more the better for that matter, but opposition from you is a very different matter, and must result in either depriving you of all influence politically, or in killing off a laudable attempt to unite all Reformers under a close, consistent organization. Are you prepared for either of these alternatives? I cannot believe it. I regret exceedingly that you should go aside from arguing the question and attack Mr. Brown's motives, etc. Such a course is neither just nor wise. If Mr. Brown is considered by yourself and the body of Reformers unsafe and unprincipled, attack him openly by all means. If he is not so considered, ally yourselves with him. For my own part, I can say that he has entirely fulfilled all the pledges he made at the two elections here. Like yourself, he has laboured unceasingly for the good of the party and the public interests; and now it seems to me quite possible to make our principles and party the dominant power in the State, if you and other Reformers fall in heartily with us in the recent movement. If this is not done, there will be nothing left for

us to do but battle against professed friend and open foe alike."

This was certainly a characteristic letter, and we may be sure that it received a characteristic reply. There is no record of what the reply was, but the Alliance having soon after died a natural death, there was probably no further room for correspondence or controversy.

In December of this year (1857) there was a dissolution of parliament, followed by a general election in January, 1858. Mackenzie, who had been returned without difficulty at the previous election, now went back to his constituents, as the event proved, for the last time. There were no party conventions in those days, and no less than six candidates entered the lists. He was re-elected by one hundred and ninety majority over the next highest of the rival candidates—a result which was regarded as a great mark of confidence, and a handsome endorsation of his conduct as the representative of the constituency. The general result, however, was a sore disappointment to him. He had hoped for such a political change in the two provinces, or at least in the Upper Province, as would give the party of Reform a controlling influence in the new parliament; but this was far from being the case. There was a very substantial Conservative majority, which, in his opinion, was not likely to be weakened or diminished within the next four years, at all events. He had a strong

conviction that, in such a parliament, there would not be that disposition to trust the people which he believed should prevail in their representative body. He despaired of the future, and resolved to quit the parliamentary arena; and, in the month of August, 1858, he resigned his seat in the legislature. The announcement was received with unfeigned regret by the Reform party and the Reform press in all parts of the country. The *Globe*, in a brief appreciative article, voiced the general sentiment by deploring "the loss to the Reform party in the House" of one whose "vote has always been on the side of good government and the people's rights." "If," it added, "we thought that the veteran Reformer was really about to retire into private life, we should have more to say about him, but we believe he can no more keep out of politics than a cat can keep out of the dairy when the window is open."[1]

The omission of a fuller narrative, either here or in any other work dealing with the events of that time, of Mackenzie's public life and career after his return to Canada, is not for want of material to prove his industry, vigilance and fidelity as a representative of the people, his political independence, and his high ideals of honesty and uprightness in administration, and in the conduct of the public business of the country. Although he never sought a leading position in parliament, the proceedings and

[1] The *Globe*, August 18th, 1858.

debates in the assembly, which, in those days, were fully reported in the newspaper press, afford ample evidence of the prominent and useful part which he took in the discussion of all questions of public moment, and in the criticism of all measures of proposed legislation. There is scarce an issue of the leading newspapers published while parliament was in session, in which he does not figure as contributing to the debates something substantially helpful and effective. Considering all he had undergone, and the many trials of temper he had had to endure in twelve years of exile, it is surprising how free his speeches were of the gall which chronic opposition engenders. He would frequently draw upon his large fund of humour, in a manner which is still pleasantly remembered by the then *habitués* of the House. If any reference were made to the rebellion, he would always treat the subject jocosely. "There's the attorney-general for Lower Canada,"[1] for instance, he would say; "when the British government placed an estimate on our heads, they valued mine at four thousand dollars, and his at only two thousand!"

Mackenzie's participation in parliamentary discussions, however, was more that of an impartial and independent bystander than as the representative of any political party; he in fact never allied himself closely with either of the two parties, and so left himself free to criticize the doings of both.

[1] The Hon. George E. Cartier.

In his opposition to the Municipal Loan Fund Bill he stood alone, although, not long after the passage of that measure, a large majority of the people of Canada would have voted the same way. His exercise of this freedom became all the more widely known to the public for the reason that he was one of the comparatively few members of the House who was "easy to report." He was a fluent and forcible speaker, and, what is not always found in the possessor of these qualities, a good debater as well. His habits as a journalist gave him a ready command of simple and appropriate language, and it was well understood among the busy men in the gallery that their reports of his speeches required little or no correction. Being, however, a tireless student of public questions which needed study and exposition, he was, in the last years of his parliamentary life, sometimes apt to be prolix and irrelevant, especially when he came down to the House full of the subject; but, with all his idiosyncrasies in this respect, and despite the impatience at times of a not over-tolerant assembly, he never ceased to fill a unique place, and to hold his own as a popular and attractive personality in the councils of the united provinces. His motions for departmental returns, which were frequent and well directed, were of infinite assistance to the government and to members of the House generally, besides providing valuable data for future use

and service. His knowledge of finance, also, and of financial and trade questions, and of the science of banking and our banking system—which was admitted by all his contemporaries—added greatly to his usefulness as a parliamentarian. Few public men, in parliament or out of it, were better equipped for the work of his time than William Lyon Mackenzie.

CHAPTER XVI

LAST YEARS, ILLNESS AND DEATH

FEW men who have led a life of great mental activity long survive the abandonment of their accustomed habits of labour. Nor was it different with William Lyon Mackenzie. When he resigned his seat in the legislative assembly in 1858, few of his colleagues were equal to the endurance he underwent. It was no uncommon thing for him to burn the midnight oil till streaks of gray were visible in the eastern horizon. He would do this three or four nights in the week. Every one thought there were still many years of wear in his slender but wiry frame; but the seeds of mortality had been already sown in his system. During the last two years of his life he failed more rapidly than his most intimate friends were able to realize; and to declining health there supervened pecuniary embarrassments which cast a gloom over the close of his existence. But hopes of brighter days always cheered him even in the darkest hour of adversity, and he was constantly trying to inspire others, with whom he was in intimate relations, with the same feeling.

Of a highly sensitive nature and somewhat secretive, he was never fully understood, perhaps, even by his most intimate friends. There was no sacri-

fice which he would not cheerfully make for his children; he could enter into all their childish feelings, and would at almost any time leave his studies to engage in their play; yet he was sometimes unapproachable. The rude collisions with the world, in which he received so many hard knocks, would temporally weaken the springs of his elastic temper, and, till the fit was over, the gloom that crowded upon his thoughts would cast its dark shade on all around. In his children he took the greatest pride; and the stern politician, who carried on so many relentless contests, wore the watch of his eldest daughter around his neck for twelve years after her death, in almost superstitious veneration of her who had passed away.

After his return to Canada, his stern independence conciliated the respect of all parties. He was very far from being rich; but he taught the world this moral, that it is not necessary to be rich to be politically independent. Immediately after his return, Isaac Buchanan, with that princely munificence for which he was noted, offered to make him a gift of a thousand dollars; but he refused it, lest it should interfere with his independence of action.[1]

[1] The Hon. Isaac Buchanan, M.P., who was a warm friend and admirer of Mackenzie, was in his day the Conservative member for Hamilton, in the parliament of the United Provinces, the pioneer of the wholesale trade of Upper Canada, and one of the projectors of the Great Western Railway, which is now part of the Grand Trunk system. Born in Glasgow, Scotland, July 21st, 1810, the fourth son of Peter Buchanan of "Auchmar," an ancient seat of the Buchanans, on the banks of Loch Lomond, Stirlingshire, he came to Canada in

The late Robert Hay, afterwards M.P. for Centre Toronto in the House of Commons, generously offered to furnish his house from top to bottom —a kindness which was gratefully declined. Twice he was offered office under the government—once directly and once indirectly—but he treated the offers as little short of insults; such was his almost morbid jealousy of a covert attack on his independence. The county of York paid him some £300 due on account of previous legislative services; and the government paid for his services as Welland Canal director before the union. In 1856, some friends started a subscription for a "Mackenzie Homestead;" and after several years' exertions, some £1,250 were collected; of which £950 were invested in a house in Toronto, and the rest loaned by the committee to himself. Owing to a difference of opinion between himself and the committee, he inserted a notice in the public journals, in 1859, refusing to allow any more subscriptions—of which there were about fifteen hundred dollars outstanding—to be collected. From February, 1853, to the autumn of 1860, he published a weekly paper, *Mackenzie's Message*, but not with great regularity. Latterly he was unable, for various reasons, to

1830, established in Toronto a branch of a leading mercantile house in Glasgow in which he was a partner, and was subsequently senior partner in an extensive wholesale business carried on in Glasgow, New York, Montreal, Hamilton and London. Mr. Buchanan died many years ago at "Auchmar," his home on the mountain overlooking Hamilton.

give the business of the office the attention which it required; financial difficulties closed in around him, and hope, his constant companion, which had never before deserted him, failed him at last. The inevitable stood in his pathway, although he long refused to recognize it.

For months before he died it was painfully evident that his health was rapidly failing, but his stern will knew no yielding. He declined to admit his physical weakness, and, although complaining of dizziness in walking, persisted in taking this favourite exercise as long as it was possible. Even when confined to his sick chamber, and when recovery was hopeless, he insisted upon his ability to regain his strength, and clung to life with a tenacity that was marvellous. He refused all medicines or stimulants, and it was only by strategy that these could be administered. Towards the close of his illness he was unconscious for days together, his speech, in the periods of fever which was consuming his vitality, recurring pathetically to the Gaelic of his early years. At other times, with mind and faculties active and apparently unclouded, he would insist upon rising and being dressed as for a journey, only to lie down again dispirited and exhausted. On the Sunday preceding his death his indomitable spirit made what proved to be its final effort. He had members of his family about him ministering to his simple wants; he received the visits of a number of old friends, with

whom he had very touching interviews; and he listened reverently to the consolations of religion. During the following days he was for the most part unconscious of suffering, and of those who watched beside him, and on Thursday evening, August 28th, 1861, as the sun was sinking, he passed away. He died broken-hearted with disappointment; died because he no longer knew where to find the means of existence, and because his proud spirit forbade him to beg. From his most intimate friends, who might have helped him, he concealed the embarrassments of his pecuniary position. Such was the end of this extraordinary man whose powers of agitation, at one period of his life, gave him an almost absolute command over the masses in his adopted country.

The funeral on the following Saturday afternoon, from the family homestead on Bond Street, was attended by a large concourse of people from the city and country. All classes and creeds, the high and the lowly, old opponents and old friends, were represented in the long *cortège* of mourning. Many came from distant places to pay their last tribute of respect to the memory of one whom they admired and loved. The remains were interred in the family plot in the Necropolis, with the simple religious service of the Presbyterian Church, of which the deceased was a member.[1] There, "in

[1] Mackenzie was one of the founders of St. Andrew's Church, Toronto, of which the late Rev. D. J. Macdonnell was, for many

the long silence of peace," Mackenzie lies buried beside his devoted wife,[1] and surrounded by twelve of his children, a granite column crowned by a Celtic cross marking their last resting-place. One daughter, the youngest of a family of thirteen, alone survives.[2]

The announcement of Mackenzie's death evoked many kindly tributes from the press of Canada, and the lapse of years has, as we have seen, added in grateful measure to the testimony of regard in which his name and services are held by the Canadian people. Considering the proximity of the event to the turbulent period in which he was so prominent an actor, it would have been natural to expect some harshness and severity to mingle, here and there, with the generous words which were published of him when "his tired life's story" came to an end. But of harshness or severity there was none. His appeal to arms against the tyranny of Sir Francis Bond Head and the official party, of which Bond Head was the ruling spirit, was censured in some quarters; but the appeal, it must be admitted, was not in vain. The constituency to which the censures were addressed, or which

years, the minister. He was the secretary of the meeting at which the congregation was organized, and, along with the Hon. Mr. Justice Maclean and Mr. Alexander Morris, took a prominent part in the proceedings. He and his family were regular attendants at St. Andrew's, and also, in later years, at Knox Church.

[1] Mrs. Mackenzie died January 12th, 1873.

[2] The wife of John King, K. C., Toronto.

gave them any serious hearing, has been long since merged in one of wider influence and authority. Mackenzie, and the Reformers of his day who enlisted in his cause, will be judged by the more deliberate and enlightened judgments of our own time, and by these they will not be condemned.

When it became known that his illness had terminated fatally, the Toronto newspapers appeared in mourning columns, and with lengthy and appreciative obituaries. The local press in all parts of Canada was equally pronounced in its notices of the event. It was not forgotten that Mackenzie was not only a veteran of a stormy and exasperating period in the political arena, but that he was also a pioneer and veteran of their own profession; that, as Sir Henry Lytton Bulwer said of Cobbett, he possessed "the spirit of change, of criticism, of combativeness, which is the spirit of journalism; that he was not only this spirit embodied, but that he represented journalism, and fought the fight of journalism against authority, when it was still a doubt which would gain the day."[1]

Of the many notices of Mackenzie which appeared at that time, the following are fairly indicative of the opinions held of him, and of his character and work, by the newspapers of both political parties. They are necessarily abbreviated, but they are sufficient to show the "spirit of the press":

[1] *Historical Characters*, p. 357.

"A man of very great, though sometimes misdirected, ability and energy, he played a great part in his adopted country, and exerted a very important influence over its material and political interests. No history of Canada can be complete in which his name does not occupy a conspicuous, and, we must add, notwithstanding his errors, an honourable position. Whatever may have been the means he employed, his aims were honest and public spirited. He was no money hunter; he was the friend of purity and economy in the administration of public affairs. Let no man who values the political freedom and enlightment we enjoy, fail to give a meed of praise to one who struggled for long years, amidst enormous difficulties, to secure for his country a free constitution and an efficient administration of affairs. Those who have known Mr. Mackenzie as a writer and speaker in his later years only, can form no idea of his power in his younger days. . . . He was at all times a man of impulse, prompt in action, full of courage and fire. No danger could deter him from the accomplishment of his designs; his courage commanded the admiration of his bitterest enemies. In the early struggles of the people of Upper Canada for the privileges of self-government, Mr. Mackenzie's services were invaluable; and, though he committed a grievous error in exciting the people to rebellion, it must be recollected that the insurrection was the immediate cause of the introduction of

a new political system. It might have been gained without the rebellion, but the rebellion gained it. Mr. Mackenzie did good service by imparting to the early settlers a love of economy and sound principles in the administration of affairs, which has borne its fruits in the steady adhesion of the people of Upper Canada to these virtues, although they have been overborne under the existing régime by the power of Lower Canada. With many faults, Mr. Mackenzie is borne in affectionate and grateful remembrance by hundreds, we might say, thousands, of the honest yeomanry of Upper Canada, who recall his early labours on their behalf, and bear willing testimony that he never took part in a job, never advocated a measure, which he did not believe to be for the public good. Their regard for him is his best monument."[1]

"Few men have exercised a more potent influence on the affairs of Canada than that wielded by the subject of this notice. He it was who first directed attention to the necessity of those changes in the system of government which were afterwards effected under the auspices of others when he had been driven into exile. . . . Even the rebellion with all its evils was not without its incidental advantages. It awakened the attention of the imperial government to the monstrous abuses of the oligarchical system which had previously existed, and brought about a beneficial change

[1] The *Globe*, Toronto, August 29th, 1861.

sooner than it could otherwise have occurred. During his long public career he did many things which he afterwards admitted to be wrong, and for which he expressed the deepest regret; but whatever errors may have blended with his exertions—errors which he himself afterwards frankly admitted—there can be no question that he did much to advance the cause of civil liberty in his adopted country. . . . It is now all but universally conceded, that, however erroneous his views, Mr. Mackenzie did everything from a thoroughly honest motive, and in the belief that it was best for the country. He was no trading politician or office-seeker, and the best test of his political virtue is, that he resisted the most alluring temptations when he thought their acceptance would be contrary to the interests of the public. His most intimate friends best knew the value he set upon political honesty, and how deep and utter was his detestation of a tendency to dishonesty or corruption. His great ambition appears to have been to bequeath a name which should be free from the suspicion of corruption or selfishness; and in that we think it will be generally admitted that he succeeded."[1]

"Mr. Mackenzie was all his life one of the most prominent public men in Canada—possessed of great natural ability, industry and perseverance. Though a poor man he was always strictly honest

[1] The *Leader*, Toronto, August 30th, 1861.

and independent. The part he took in the Rebellion of 1837 is familar to our readers. Mr. Mackenzie for a long time edited the then leading paper in Upper Canada; and was always connected with the press in some shape or other. His principal business in parliament was to scent out and expose jobs and corruption, and unhesitatingly denounce the perpetrators. He also kept a scrapbook ready at hand to pounce upon inconsistent politicians, and convict them out of their own mouths. Though a man of extreme views, there is no doubt as to his sincerity and honesty of purpose. His is one of those names in the history of Canada that will not be let die. There are many who will regret Mr. Mackenzie's loss; though 'after life's fitful fever he sleeps well.'" [1]

"Mr. Mackenzie, in his prime before the union, occupied a prominent position in the politics of Upper Canada, and, by his energy and power as a public writer and stump orator, lashed the people into rebellion in 1837. . . . It is certain that, by the bitterness of his attacks upon the government and the governing class, he stung them to wrath; and possibly, in their exasperation, they may not have been overwise in the language which they in their turn used in denouncing him. It was he who commenced the system of printing extracts from the journals of the legislature, and obnoxious votes, interspersed with capitals and black letters as thick

[1] Montreal *Pilot*.

as plums in a pudding—a system of which Mr. George Brown has been an imitator, and which he has pursued with a success almost as great as that of Mr. Mackenzie. . . . It must be said of him that, in all his bitter agitation, he was not actuated by any corrupt or sordid motives. The sacrifice of his property was sufficient proof of his sincerity. . . . In the House he spoke frequently, and at times he rose to eloquence, and won cheers from all sides. When Lord Elgin strained the constitution at Quebec in favour of Mr. Hincks, by dissolving parliament before a bill was passed, the old man stepped out on the floor to raise his voice against that act of wrong-doing, and aimed his hot, quick words so well that they once again stirred men's blood and produced a marked sensation. . . . His real strength lay in detecting flaws in the public accounts, and to his credit be it said that, during a time of corruption and inflation, he never soiled his hands, or ever obtained any advantage whatever from any party. . . . He was small of stature but physically strong, and, almost to the last, he could spring over a table at a standing jump. He is now gone to his account for the good and evil he has done. We are willing to forget, in as far as may be, past political differences—to remember only the good in his career."[1]

"Mr. Mackenzie's name is mixed up with the con-

[1] Montreal *Gazette.*

stitutional history of Canada to a greater extent, perhaps, than that of any other individual; and, with his many faults, there can be no doubt that he had, throughout all his career, the interests of Canada and of human freedom at heart. In the great struggle in Upper Canada against the Family Compact, as it was then called, which terminated in the Rebellion of 1837, he was a leading spirit, trusted, not only by his own party in that province, but by the French-Canadian majority in Lower Canada then led by Papineau. In the civil war he was the most prominent leader, and had several very narrow escapes. . . . Latterly, those who had sympathized with the man who had laid all his energies, means, and opportunities, on the altar of his country without meeting any reward, contributed a sufficient amount to purchase for him a comfortable homestead where he quietly ended his days."[1]

"The late Mr. Mackenzie appears to have been sincere in all his proceedings. He believed the country, as a colony, oppressed, and he was determined to bring it immediate relief. He erred, however, in using the sword instead of the pen, and in fostering rebellion instead of loyalty. . . . To err, however, is human. Mr. Mackenzie was not, with all his faults, an office seeker, and in this respect presents a strong contrast to the 'look to Washington' men of the present day. He is gone—peace to his ashes."[2]

[1] Montreal *Witness*. [2] Brantford *Courier*.

"As a politician, Mr. Mackenzie was exceedingly industrious, and brought a vast amount of energy to bear upon whatever he undertook. As a newspaper writer his style was peculiarly his own, and latterly he wrote but little. Few men have gone through so many varying and trying changes as Mr. Mackenzie; yet he flinched not in anything he undertook. He was a man of extraordinary energy and possessed an unconquerable will. Whatever may be said of his faults and follies, and he had many, he was certainly sincere in all he did. As one of the most remarkable men of this country, Mr. Mackenzie departs at a ripe age leaving behind him many memorials of the past."[1]

"No man's career, perhaps, is better known here than his, and while he had his faults as well as other men, it may truly be said of him, that he was ever above those influences which act so powerfully on many public men in Canada. He was always above the money power, and never succumbed to the blandishments of executive patronage; but was ever actuated, we doubt not, by the conviction that he was doing right, however far from it he may have been, so that with all his faults we respect his memory."[2]

"We make no excuse for inserting a lengthy notice on the death of the late W. L. Mackenzie from the columns of the *Globe*. He played too con-

[1] Hamilton *Spectator*.

[2] Hamilton *Times*, "Death of an Old Patriot."

spicuous a part in Canadian politics to be passed over with a mere paragraph. Would that it could be said of all politicians, what is universally admitted in regard to Mr. Mackenzie—he sought not his own advancement or wealth, but the good of the country. Wayward and impracticable though many esteemed him, yet his aims were not to enrich himself, and he has descended to the grave after a long and busy life with the enviable character of 'An honest man, the noblest work of God.'"[1]

"It is unfortunate that a man's death must precede a general appreciation of his character and services. Being dead, all parties praise him, and his funeral *cortège* would do honour to the memory of a king. In the sad procession all classes of citizens were amply represented. The mayor and corporation were there to dignify the ashes of the first chief magistrate elected to preside over the affairs of the city. Radical and Tory walked and rode together, the more pointedly to prove the sincerity of their conviction that the dead man's errors were on the side of his country. It was a funeral which demonstrated that in the long run honesty is cherished; that blunders and even crimes are forgiven by the people, if their author has but acted under the pressure of disinterested impulses. The pity is, that the generous verdict is postponed until the being most concerned is placed beyond the jurisdiction of earthly tribunals."[2]

[1] Brockville *Recorder*. [2] Toronto correspondence Ottawa *Citizen*.

The press of the United States, which, to say the least, was quite competent to form a dispassionate judgment, and many of whose journalists were well acquainted with Mackenzie, was particularly appreciative of his labours as a constitutional reformer. In common with other newspapers, the New York *Tribune*, whose famous editor, Horace Greeley, watched the progress of events in this country with the closest attention, expressed an opinion on this point that has met with very general acceptance. "William Lyon Mackenzie," said the *Tribune*, referring particularly to the conflict in Upper Canada, "was the leader of the real struggle for responsible government in Canada. He conducted the political siege, and headed the storming party that effected the breach. Mackenzie personified the *vim* and virtues, personal and political, that fought the fight and won it."

Mackenzie was scarcely in his grave when the newspaper press called for some "tangible testimony" to his memory. "Mr. Mackenzie dead and buried," said the Toronto correspondent of the Ottawa *Citizen*, "is nothing more to be heard concerning him? Is the long procession which followed his remains to the grave to be the last sign of the public estimate of his honesty and usefulness?" The erection of a monument to commemorate his public services has been frequently suggested. As in the case of the portraits of Mackenzie, which were hung in the legislative and municipal

buildings at Toronto, the proposal has been favourably received by the press of both parties, and, although it has never taken practical shape,[1] the comments on the subject possess a certain historic interest, apart from the references to Mackenzie himself.

"It is surprising, not a few will say ungrateful, that, during all these years of political progress, no memorial of a personality so picturesque and strenuous as Mackenzie should have come into existence. The late Sir M. C. Cameron used to say that, Conservative as he was, he would gladly contribute to such an object. The first premier of Ontario, the Hon. J. S. Macdonald, was also one of Mackenzie's ardent admirers. Mackenzie proved his faith by his works as a fearless public man. He was the leader of a movement which, though not faultless, hastened a radical change in British colonial government; and he staked his life on the issue. Such a man may well be honoured by a monument to his memory."[2] "Apropos of tablets," said the *Westminster*, "is it not time for a monument to be erected to the memory of William Lyon Mackenzie? . . . The fierce political animosities of '37 have died away, and Canadians of to-day can see the great men of those troublous

[1] The late Hon. Archibald McKellar, at one time commissioner of public works in the Ontario government, and subsequently sheriff of Wentworth, had the project pretty well in hand at the time of his death; but his plans died with him.

[2] The *Star*, Toronto, May 23rd, 1900.

times in a clearer light, and do them juster honour than their fellows did. What though our fathers killed the prophets, if they were true prophets we should not be ashamed to build their sepulchres."[1]

A writer in a Toronto morning paper, who described himself as a "Loyalist in the stirring times of 1837," felt impelled, as he said, to declare himself in favour of this public recognition of Mackenzie's patriotic labours. Commenting on the Loyalist's letter, a leading Conservative journal said, in its article of the day: "This proposal is not a new one, but it is none the less laudable, and, coming from a Conservative source, is significant of the just sentiment which eventually prevails with respect to sterling honesty and self-sacrifice in public life. The strong contrast in this respect presented by Mackenzie's patriotic career, with the utter selfishness of not a few in high places since his day, is making itself felt as time goes on. The events of the last few years in Canada have made the Reform leader more appreciated than ever he was. The movement which he headed was less a movement against the Crown's authority, than against the abuse and prostitution of it by men unworthy of the Queen's confidence. The rash and tyrannical Sir Francis Bond Head did more to goad the long-suffering people of Upper Canada into revolt than any man living

[1] May, 1900.

at the time. . . . By all means give him a monument. He well deserves it, if only because he hastened by many years the reign of responsible government, and taught, by shining example as well as precept, the much needed lesson that fearless, unpurchasable independence in the people's service should be, as too often it is not, the highest aim and reward of political ambition."[1]

Any further reference to the personal and public character and career of Mackenzie seems scarcely necessary. Like others who have passed through the fires of political persecution, he said and did some things which it may not always be possible to defend or excuse. There is no desire to defend or excuse them in these pages; nor, in an impartial estimate of his life work, is it necessary to do so. Neither is it necessary to endorse his own manly confessions of fault or error, although, as he himself once said in his place in parliament, he believed "there was more true nobility of mind in confessing an error than in persisting in one."

A few years ago, a correspondent in a Toronto newspaper took exception to the Reform party being classed with Mackenzie and his associates. A prominent Liberal journal[2] resented the distinction in a strong article in defence of the "rebels" of 1837, and was supported by other Liberal newspapers throughout the province. "This

[1] The *News*, Toronto, December 26th, 1895.

[2] The Hamilton *Times*, February 26th, 1901.

protest," said a Toronto journal, referring to the correspondent's letter, "doubtless expresses the opinion of a small section of the Reform party, but a section whose numbers are diminishing, and which will become extinct. A Reformer of the present day who calls it 'disloyal' to rebel against unbearable tyranny is out of date. Whether or not Mackenzie—the man Mackenzie—was headstrong, vain, and visionary, future generations will care less and less to enquire. Men will remember only that the world has too little of that courage which counts not the cost of political protest, and will not compromise with tyranny. By the foolhardiness of such men as those of '37 and later, those 'crazy men' at Harper's Ferry, men who follow the path of their convictions, though it lead them to the scaffold, the race of men is honoured."[1] "We who enjoy the liberties for which Mackenzie and his followers fought would be ungrateful if we weighed their actions in too nice a balance. They suffered for us, and the principles for which they fought proved to be the best not only for Canada but for the Empire."[2] "But for the strenuous and protracted fight Mackenzie made for pure administration and democratic institutions, the oligarchy he sought to overthrow might have retained its hold much longer on the provincial machinery. To very many people he is only a 'rebel,' or an un-

[1] The *Star*, Toronto, March 4th, 1901.

[2] The *Globe*, Toronto, January 2nd, 1902.

successful patriot; to those who know most about his efforts and achievements, his career was remarkably successful as well as admirable."[1]

Writing of Macaulay, in his beautiful little essay, "*Nil Nisi Bonum*," Thackeray says: "He is always in a storm of revolt and indignation against wrong, craft, tyranny. How he cheers heroic resistance; how he backs and applauds freedom struggling for its own; how he hates scoundrels ever so victorious and successful;"—words not inapplicable to Mackenzie, and that might have been said or written of him, ever and anon, in the vicissitudes of fortune that marked his chequered career. He was unquestionably one of the strong personalities of his time, and whatever be the reason, he has retained his hold on the imagination of the people. Old men of the rebellion period have recounted with pride how they were "out with Lyon Mackenzie in '37." Possessed of popular gifts, and of unswerving honesty and independence, he was animated by strong convictions, and, when needs be, could express them with persuasive eloquence. "He was an uncompromising friend of civil and religious liberty, and had an innate hatred of wrongdoing, injustice and oppression. This is the true test of his political propaganda. He encountered a thoroughly bad system of government and administration and enormous public abuses. These he persistently assailed, and, in the long and bitter conflict which

[1] The *Globe*, February 6th, 1903.

closed with the rebellion, he received no quarter."[1] Although not always right, he always believed he was right, and he had the power of inspiring that belief in others. He was what his physical features and make-up suggest, a dynamic man, all energy, activity and force, capable of long sustained physical and mental exertion in the prosecution of his labours, masterful, impatient of opposition, suspicious of the political caucus, no friend of the "machine," and undaunted in any purpose by its unpopularity, difficulty, or danger. At the same time, as described by one who knew him well, he was "a pleasant companion and associate, full of vivacity and good humour and the ready mother wit of a Highlander. Despite all the buffetings of fortune, he never lost, even in his latest years, the freshness, buoyancy and brightness of youth. He frolicked with his children, delighted in their society, and was as young in heart as any of them."

Although not unwatchful of the currents of public opinion, "the great support of the State," Mackenzie struck down below the surface to the working of those social forces beneath, which seldom fail to influence communities in the discussion of public questions and the promotion of political movements. He believed in trusting the people, but he was not of those who thought that the people were never wrong. On the contrary, he

[1] The *Globe*, Toronto, August 4th, 1906.

thought they were wrong on many occasions, and he so declared with some bitterness; but he believed with Burke, "that in all disputes between them and their rulers, the presumption is at least upon a par in favour of the people;" and that when popular discontents are prevalent, something is amiss in the constitution or the administration. "The people have no interest in disorder," wrote Burke. "When they do wrong, it is their error, and not their crime," adding the famous passage from the *Memoirs of Sully* (whom he describes as a great man and minister of state and a zealous asserter of monarchy), that "the revolutions that come to pass in great states are not the result of chance, nor of popular caprice. . . . As for the populace, it is never from a passion for attack that it rebels, but from impatience of suffering."[1] "A passage," said John Morley, "which practical politicians and political students should bind about their necks and write upon the tables of their hearts."[2]

The "impatience of suffering," thus emphasized by Lord Morley, had everything to do with inspiring and determining the public career of the man whose life story has now been told. The story

[1] *Thoughts on the Present Discontents,* Burke's Works, Bohn's Ed., Vol. i, p. 310.

[2] *Burke, English Men of Letters,* pp. 50, 51. The author is now Viscount Morley, Secretary of State for India in the British cabinet, of which the late Right Hon. Campbell-Bannerman was, and the Right Hon. H. H. Asquith is now, the First Minister.

is not perfect in every detail, but the readers of to-day are far enough removed from the violent things which were said and done on both sides at that time, from the bitter warfare of the parties and the long train of mutual animosities to which it gave rise, more especially in the pre-confederation years of our history, to regard with dispassionate feelings the character and work of the man himself—to remember his unselfish patriotism, his noble integrity, his many and great services and sacrifices for the public welfare. These must always ensure him a high place in the affections of a people who have gained so much from his vindication of liberty and justice, and his advocacy of those great constitutional reforms which are inseparably connected with our present system of government. Posterity, which generously veils the follies and frailties of public men, who have honestly and patriotically served their country in their day and generation, can never forget the debt of gratitude which it owes to Mackenzie for the just cause which he made his own, and history, in passing judgment, will not unfairly adjust the balance with respect to one whose faults and errors were so far overshadowed by his virtues.

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